

29.12.2020
Item no.7
Ct.8
suvendu/CHC
Rejected

**C.R.M. No.11276 of 2020
(Via Video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure, 1973 in connection with Baranagar Police Station Case No.313 of 2017 dated 04.05.2017 under Section 21(b)(i) of the Narcotic Drugs and Psychotropic Substances, Act, 1985.

And

In the matter of:-

Sushil Das

... Petitioner

Mr. Koustav Bagchi

.. for the petitioner

Mr. Swapan Banerjee, Ld. A.P.P.

Ms. Purnima Ghosh

..for the State

21 kgs of ganja was recovered from the petitioner on 4th May, 2017.

Learned counsel appearing for the petitioner rests his case on the petitioner being in detention for 1336 days. Counsel places a Supreme Court decision passed in Criminal Appeal No(s).245/2020 and a decision of a coordinate Bench of this Court in C.R.M.8187 of 2020, where the period of detention was considered in releasing the petitioner on bail.

Learned counsel for the State submits that the next date of evidence is fixed on 5th and 6th March, 2021.

Upon considering the relevant submissions, we are not inclined to entertain the application and enlarge the petitioner on

bail. Accordingly, prayer for bail of the petitioner is rejected. The decisions shown are on a different factual premise.

However since the petitioner is already in custody for a long time, the Special Court below is directed to commence and conclude the trial within two months from the date of this order. The Special Court will be at liberty to fix the date of evidence before 5th March, 2021 for complying with the timeline as directed.

C.R.M.11276 of 2020 is, accordingly, disposed of.

(Kausik Chanda, J.)

(Moushumi Bhattacharya, J.)

