

13.01.2021
Court No.28
Item No. 04
Krishnendu
Bail Rejected

CRM 70 of 2021
(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Madan Sah**

Petitioner

Mr. Ujjal Ray

For the Petitioner

Mr. Kaushik De

For the Opposite Party/DRI

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with C.R.Case No. 697 of 2017 arising out of DRI Case No. 02/CL/IMP/DRI/BRM/2017-18 dated 07.12.2017 under sections 135(1)(a)(i)(c)/ 135(l)(b)(i)(c) of the Customs Act 1962 read with sections 489B/489C of the Indian Penal Code.

Mr. Ray, learned advocate appearing for the petitioner submits that the petitioner is in custody for three years one month and till date the charge has not been framed. Additionally, the learned advocate submits that the petitioner has been falsely implicated pursuant to a statement of the co-accused.

Mr. Dey, learned advocate appearing for D.R.I. authorities draws the attention of this Court to the previous orders passed by the Co-ordinate Bench of this Court and also the statement of the accused under section 108 of the Customs Act. He further submits that there are additional materials

appearing against the present petitioner and he happens to be the principal accused.

We have perused the materials on record including the statement under section 108 of the Customs Act as well as the orders passed in CRM 3162 of 2020, CRM 7851 of 2018 and we are of the opinion that there is no change of circumstance presently. Accordingly, the prayer for bail of the petitioner is rejected.

The learned advocate appearing for the D.R.I authority points out that the next date is fixed on 28th January, 2021.

The learned Trial Court is directed to proceed with the consideration of charge on that date or within a week thereafter. Steps and efforts should be taken by the learned Court to take the trial to its logical conclusion within a reasonable period of time.

With the aforesaid observations, the application for bail, being CRM No. 70 of 2021, is disposed of.

(Tirthankar Ghosh, J)

(Tapabrata Chakraborty, J)