

14.01.2021
Court No.28
rpan / 23

C.R.M. 257 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Krishnaganj Police Station Case No.24 of 2020 dated 31.01.2020 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : **Samiran Biswas**

...Petitioner.

Mr. Prabir Majumder

....for the petitioner.

Mr. Binay Panda,

Mr. Subham Bhakat

....for the State.

The learned advocate for the petitioner submits that although there were recoveries from the possession of the petitioner but in spite of the petitioner being in custody for more than a year, there is no progress in the trial of the case and as such, he is entitled to be released on bail.

The learned advocate for the State opposes the prayer for bail and submits that the recovery so effected from the possession of the petitioner is of commercial quantity and as the situation was beyond control for the last 8/9 months, the trial of the case could not proceed.

Having regard to the fact that the contraband, so seized, was of commercial quantity, we are of the opinion that the petitioner has not been able to overcome the rigours of Section 37 of the NDPS Act. As such, the prayer for bail of the petitioner is rejected.

However, the learned trial court is directed to proceed with the trial on a regular basis so that the same can be concluded within a specified period of time.

With the aforesaid observations, CRM 257 of 2021 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)