

19.02.2021
Item No.15
Ct.No.28
Subha
rejected

C.R.M. 381 of 2021
(Via Video Conference)

Raja Khan
-vs-
The State of West Bengal

In Re: An application for bail under Section 439 Cr.P.C in connection with N. Case No. 97 of 2019 arising out of Dum Dum P.S. Case No. 705 of 2019 dated 14th August, 2019 under Sections 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Mr. Koustav Bagchi

... For the Petitioner.

Mr. Sanjoy Bardhan
Mr. Palash Chandra Majhi

... For the State.

Mr. Bagchi, learned advocate appearing for the petitioner submits that the petitioner is in custody for 556 days and there has been no progress in the case.

Additionally, the learned advocate appearing for the petitioner submits that although 5 liters of codeine mixture were recovered from the possession of the present petitioner, but due to delay in submitting the chemical examiner's report, the progress of the case has been stalled.

Mr. Bardhan, learned advocate appearing for the State submits that supplementary charge-sheet which includes chemical examiner's report has been submitted before the

learned court below on 4th February, 2021 and there is no impediment for the trial to proceed.

Having regard to the fact that the recovery of contraband was above commercial quantity which attracts the provisions of Sections 37 of the Narcotic Drugs and Psychotropic Substances Act, we are not inclined to release the present petitioner on bail at this stage.

Accordingly, the prayer for bail of the present petitioner is rejected.

However, having regard to the fact that the petitioner is in custody for about one and half years, the learned trial court would take all efforts so that there is a smooth progress in the trial and the same is concluded within a reasonable period of time.

With the aforesaid observations, the application for bail being CRM 381 of 2021, is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)