

22.02.2021
Item No.28
Ct.No.28
Subha
rejected

C.R.M. 457 of 2021
(Via Video Conference)

Shambhu Lama
-vs-
The State of West Bengal

In Re: An application for bail under Section 439 Cr.P.C in connection with ST No. 04(01) 2019 corresponding to NDPS Case No. 96 of 2017 arising out of Ekbalpore P. S. Case No. 425 of 2017 dated 3rd August, 2017 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Mr. Satadru Lahiri
Mr. Safdar Azam

... For the Petitioner.

Mr. Sanjoy Bardhan
Ms. Manisha Sharma

... For the State.

Mr. Lahiri, learned advocate appearing for the petitioner submits that the petitioner is in custody on and from 3rd August, 2017 and only three witnesses, out of cited 9 witnesses in the charge-sheet, have been examined by the prosecution till date.

In view of the petitioner lying in custody for a long period of time, the learned advocate appearing for the petitioner prays before this court that on any stringent condition, the present petitioner may be released on bail.

Mr. Bardhan, learned advocate appearing for the State submits that the quantum of contraband seized is of commercial

quantity and according to the report so submitted by the Investigating Officer of the case, the prosecution will examine only seven witnesses.

It has further been submitted that the next dates are fixed on 1st March, 2021 and 2nd March, 2021 respectively.

As only four more witnesses are to be examined by the prosecution, we do not think that in a case where commercial quantity of contraband is involved and the provisions of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 are attracted, it would be appropriate to release the present petitioner on bail at this stage.

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

However, the prosecution is directed to tender all the witnesses within three months from date and the learned trial court would take all efforts to conclude the proceedings within a period of five months from date.

With the aforesaid observations, the application for bail being CRM 457 of 2021, is, accordingly, disposed of.

The report so submitted by the Investigating Officer of the case through the learned advocate appearing for the State be kept with the record.

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.)