

18.03.2021.
65.
as
(Rejected)

C.R.M. 590 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N.D.P.S. Case No.8 of 2018 arising out of Santuri P.S. Case No.61 of 2018 dated 11.10.2018 under Section 20(b)(i)/29 of the N. D. P. S. Act.

In the matter of : Gopal Gour.

.... Petitioner.

Mr. Aritra Bhattacharya.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Chandra Majhi.

...for the State.

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

This is an application for bail in connection with N.D.P.S. Case No.8 of 2018 arising out of Santuri P.S. Case No.61 of 2018 dated 11.10.2018 under Section 20(b)(i)/29 of the N. D. P. S. Act at the behest of the petitioner.

It is submitted that the petitioner was already in custody in connection with other case and this case has been launched against him with pre-determined notion and there has been a considerable delay in production of the petitioner before the Special Court.

The learned Advocate appearing for the State opposes the prayer for bail. It is submitted that the petitioner was found to possess the commercial quantity of the contraband articles and has been arrested in connection with the said case.

After hearing the respective Counsels and on perusal of the materials available in the Case Diary, it appears that the trial has commenced and in fact, the first witness of the prosecution is still being examined. The next date is fixed on 20th April, 2021 for recording the evidence of the charge sheeted witnesses.

In view of the fact that commercial quantity is alleged to have been recovered from the possession of the petitioner, we do not find that it is a fit case where the petitioner should be enlarged on bail to make out a ground for taking exception of Section 37 of the N.D.P.S. Act.

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

However, we appreciate the agony shown by the learned Advocate for the petitioner over the delayed trial. We request the learned Special Judge to take up the matter on the next date fixed and endeavour shall be shown to complete the trial within reasonable time.

(Harish Tandon , J.)

(Tirthankar Ghosh, J.)

