

23.03.2021

Item No.80

Ct.No.28

dc.

C.R.M. 1010 of 2021

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Tehatta P.S. Case No. 587 of 2019 dated 10.12.2019 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act (NDPS Case No. 107/2019).

And

In Re : **Samir Sarkar**

... Petitioner.

Mr. Manas Kumar Das,
Mr. Asraf Mandal

... For the Petitioner.

Ms. Sukanya Bhattacharya,
Mr. Md. Kutubuddin

... For the State.

This is an application for bail in connection with Tehatta P.S. Case No. 587 of 2019 dated 10.12.2019 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act at the behest of the petitioner.

The learned advocate for the petitioner submits that the petitioner is in custody for about 467 days and although the petitioner is languishing in jail for a considerable period of time, but there has been no progress in the instant case.

The learned advocate for the State opposes the prayer for bail and submits that 37 bottles of phensedyl each containing 100 ml. which amounts to commercial quantity was seized from the present petitioner and as such, the petitioner is not entitled to be released on bail.

Having regard to the fact that the seizure list reflects commercial quantity of contraband was recovered from the possession of the petitioner, the provision of Section 37 of the N.D.P.S. Act is attracted and as such, the petitioner is not entitled to be released on bail. Thus, the petitioner's prayer for bail is **rejected**.

However, since it has been submitted that on 4th February, 2021 date was fixed for supply of copies and there is every possibility of trial commencing very soon, we request the learned special court to take steps for consideration of charge on the next date so fixed and make efforts for concluding the trial within a reasonable period of time.

The application for bail, being CRM 1010 of 2021, is, thus, disposed of.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)