

24.03.2021

CRM 1210 of 2021

Court No. 28  
Item No. 113  
snandy

(REJECTED)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 28.01.2021 in connection with Basirhat Police Station Case No. 166 of 2020 dated 04.02.2020 under Sections 21(C) of the Narcotic Drugs and Psychotropic Substances Act. (N 40 of 2020)

and

In the matter of: **Kanai Sarkar**

..... Petitioner

**Mr. Angshuman Chakraborty, Advocate**

**Mr. S.S. Saha, Advocate**

.....for the Petitioner

**Mr. Binay Panda, Advocate**

**Mr. S. Bhakat, Advocate**

..... for the State

The petitioner has filed the instant application for bail in connection with Basirhat Police Station Case No. 166 of 2020 dated 04.02.2020 under Sections 21(C) of the Narcotic Drugs and Psychotropic Substances Act.

Learned Advocate for the petitioner submits that the petitioner is in custody since April 4, 2020 and there is no progress in the trial and as such he may be released on bail on any condition.

Mr. Panda, learned Advocate appearing for the State opposes the prayer for bail and submits that 362 bottles of phensedyl was recovered from the possession of the petitioner. Chargesheet including chemical examination report has already been submitted.

Having regard to the fact that from the possession of the petitioner commercial quantity of contraband has been recovered which attracts Section 37 of the N.D.P.S. Act, we are not inclined to release the petitioner on bail.

The prayer for bail is **rejected**.

The application being **CRM 1210 of 2021** accordingly **dismissed**.

However, since the petitioner is in custody for more than one year, we request the learned Special Judge to expedite the trial of the case.

**(Harish Tandon, J.)**

**(Tirthankar Ghosh, J.)**