

25.03.2021

**Court No.28
rpan / 133**

C.R.M. 1370 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Krishnaganj P.S. Case No. 218 of 2019 dated 30.09.2019 under Sections 188/353/332/34 of the Indian Penal Code read with Sections 21(C)/23 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : **Biplab Biswas**

- Petitioner.

Mr. Sukhendu Banerjee,
Mr. Dilip Kumar Mondal,
Mr. Mritunjoy Saha
....for the petitioner.
Mr. Rudradipta Nandy
....for the State.

The learned advocate for the petitioner submits that the petitioner is in custody since 29th September, 2019 and is innocent of the charges, as he was chasing an auto rickshaw from where 384 bottles of phensedyl was recovered. According to the learned advocate, nothing was seized from the present petitioner and as such, he should be released on bail.

Mr. Nandy, learned advocate appearing for the State produces the case diary and draws the attention of this Court to the seizure list.

We have perused the materials on record and we find that commercial quantity of contraband involving 384 bottles of phensedyl is the subject-matter of the case and the petitioner was available in the close proximity of the

contraband and the provisions of Section 37 of the NDPS are attracted in this case and having considered the same, we are not inclined to release the petitioner on bail at this stage. Accordingly, the prayer for bail of the petitioner is rejected.

However, having regard to the period of detention of the present petitioner, we direct the learned trial court to take effort so that the trial can be concluded within a reasonable period of time without granting any unnecessary adjournment to either of the parties.

With the aforesaid observations, the application for bail, being CRM No.1370 of 2021, is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)