

13.04.2021

CRM 1610 of 2021

Court No.28

(Via Video Conference)

Item 128

sg

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with New Barrackpore Police Station Case No. 306 of 2018 dated 01.12.2018 under Section 20 of the NDPS Act.

Biswajit Ojha @ Biswa

Versus

The State of West Bengal

Mr. Koustav Bagchi, Adv.

...for the Petitioner.

Mr. Sanjoy Bardhan, Adv.

Ms. Manisha Sharma, Adv.

...for the State.

The learned Advocate for the petitioner submits that the petitioner is in custody since 1st December, 2018 and only one witness out of the proposed 9 witnesses named in the charge-sheet has been examined.

The learned Advocate for the State opposes the prayer for bail and submits that more than commercial quantity of contraband has been seized from the possession of the petitioner and as such, the petitioner may not be released on bail.

It is seen from the records that out of 9 witnesses, one witness has been examined and the next schedule is fixed on 14th June, 2021.

Having regard to the statutory restriction under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner. As such, the prayer for bail is rejected.

However, the learned Special Court is directed to fix the schedule of the present case on each and every month starting from the month of June and conclude the trial within a reasonable period of time. It is further directed that no unnecessary adjournment should be granted to either of the parties and if any witness is absent

without any reasonable cause, the learned Special Court would exhaust harsher process of law in order to secure the presence of the said witness.

With the above observation, CRM 1610 of 2021 is disposed of.

All parties shall act on the server copy of the order.

(Tirthankar Ghosh, J.)

(Soumen Sen, J.)