

150 13.04.2021
rkd Ct. No. 28
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C.R.M. 1680 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with N **81/2020** arising out of **NCB PS 10/NCB/KOL/2020** under Section **8(c)/12** and liable to be punished under Sections **22(b)/24/29** of the NDPS Act.

And

In the matter of: - Uttam Chatterjee

....petitioner.

Mr. Angshu Chakraborty,
Mr. S. S. Saha

...for the petitioner.

Mr. Y. J. Dastoor, Ld. A.S.G.,
Mr. Phiroze Edulji,
Mr. Uttam Basak

...for the U.O.I..

Having considered the nature of contraband which have been seized in connection with the instant case and the earlier order passed in CRM No.6779 of 2020 on 08.10.2020 by a co-ordinate Bench of this Court, we find that there are no change of circumstances since the last rejection of bail and as such we are not inclined to grant bail to the present petitioner.

Having regard to the fact that on 12.04.2021 the learned special court was pleased to fix the date for consideration of charge and the fact that the petitioner who was in custody was not produced before the learned trial court, we are shocked and we direct that henceforth the learned special court would insist and compel the Superintendent of Police, Barasat to give a vivid explanation and not to excuse him from producing the undertrial prisoners before the court on the garb of any flimsy reasons. We are not oblivion to the situation and the reasons for non-production of the present petitioner on a date when the learned

trial court was prepared for consideration of charge. The learned trial court/special court is directed to fix the next date on 04.05.2021 as the date for consideration of charge and proceed with the trial of the case as expeditiously as possible.

Mr. Dastoor, learned Additional Solicitor General appearing for the NCB submits that only seven witnesses would be relied upon by the prosecution and the witnesses are available.

Under such circumstances, we direct the learned trial court/special court to adhere to the directions passed in CRM 6799 of 2020 wherein one of us The Hon'ble Justice Soumen Sen was a party.

With these observations, CRM 1680 of 2021 is disposed of.

The learned Registrar General is directed to communicate this order to the learned District Judge, North 24 Parganas and S.P. of North 24 Parganas for compliance.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Soumen Sen, J.)