

10. 09.09.2021
Ct.32
Tanmoy
Rejected

C.R.M. 2212 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **25/02/2021** in connection with **Special Case No. 05/2018** arising out of **NCB Crime No. 04/2018 (04/NCB/KOL/2018)** under Sections **8(c)/20(b)(ii)(B)/22(c)/28/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: - **Krishna Chandra Das**

....petitioner.

Mr. Ayan Bhattacharjee,
Mr. Parashar Baidya

...for the petitioner.

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

...for the State.

It is candidly submitted by learned Counsel for the petitioner that, although there were previous rejections of similar prayers for bail, the present application has been filed on subsequent development, being that the petitioner suffers from cardiac ailments, as recorded in the orders of the Special Court, in particular order no.57 dated August 5, 2021, which is deteriorating by the day.

The Learned Additional Solicitor General controverts such submission and places reliance on a report filed pursuant to the previous direction by this Court, which clearly indicates that the petitioner does not have any heart ailment but suffers from minor issues in respect of his teeth and hearing.

Although, it is submitted by learned Counsel for the petitioner, in reply, that the report was given merely by the

Superintendent of Malda District Correctional Home, a perusal of the said report dated September 1, 2021 clearly reveals that the same was accompanied by several reports authored by specialist Doctors of the Malda Medical College and Hospital, which lends credibility to the veracity of such report.

In such view of the matter, the alleged changed circumstance and/or heart ailment of the petitioner having not found place in the medical report, we do not find any reason to grant bail in contravention of the bar stipulated in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Accordingly, the application for bail being C.R.M. 2212 of 2021 is **dismissed**.

It is expected that the Special Court shall expedite the hearing of the trial and endeavour to dispose of the same as expeditiously as the business of the said Court permits, keeping in view the long period of incarceration already undergone by the under-trial.

All parties shall act in terms of server copy of this order, downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Sabyasachi Bhattacharyya, J.)