

23.08.2021

Court No.28
Item No.21
(Rejected)

Akd
&
Sb

CRM 4041 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Madhyamgram Police Station Case No. 147 of 2018 dated 16.03.2018 under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act;

And

In the matter of : **Mrityunjay Bairagi alias Mrityun**
...Petitioner

Mr. Angshuman Chakraborty

...For the Petitioner

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee,
Mr. A. K. Datta.

...For the State.

The Advocate on Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Madhyamgram Police Station Case No. 147 of 2018 dated 16.03.2018 under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act.

Since the commercial quantity of contraband is recovered from the exclusive possession of the petitioner and because of rigor of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, the prayer for bail of the petitioner is rejected.

However, we have been informed that the charge-sheeted witnesses have been examined and the matter is still pending before the Court for recording statement under Section 313 of the Code of Criminal Procedure. The next date is fixed on 2nd September, 2021.

We, therefore, direct the learned Special Judge under N.D.P.S. Court to take up the matter on the said date and record the statement of the accused and shall thereafter proceed to dispose of the matter within two months therefrom.

The State shall ensure the production of the petitioner on the

said date. None of the Counsels shall seek for adjournment on that date and shall co-operate with the learned Special Judge for adhering the mandate given in the instant order.

The application for bail, being CRM 4041 of 2021, is thus **dismissed**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)