

09.08.2021

Court No.28
Item No.37
(Rejected)

Akd
&
As

CRM 4132 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Burtolla Police Station Case No. 42 of 2019 dated 29.03.2019 under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (N.D.P.S. Case No. 10 of 2019);

And

In the matter of : **Panchu Das**

...Petitioner

Mr. Mrityunjoy Chatterjee,
Ms. Debapriya Majumder.

...For the Petitioner

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Mr. Saryati 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 Burtolla Police Station Case No. 42 of 2019 under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Indubitably, the commercial quantity of contraband (Charas) is recovered from the exclusive possession of the petitioner, who is languishing in jail for nearly 867 days.

According to the learned Advocate for the petitioner, there are health issues concerning the petitioner and a direction was passed by the Special Court upon the Superintendent of Presidency Correctional Home, Alipore to take positive measures. He says that the condition of the petitioner has deteriorated in the meantime and the attention has not been shown in this regard.

Since the commercial quantity of contraband was recovered from the possession of the petitioner, we are of the opinion that the petitioner has not been able to make out a case taking exception to

Section 37 of the N.D.P.S. Act.

The prayer for bail is thus rejected.

However, the Superintendent of Presidency Correctional Home, Alipore, is directed to extend all medical assistance to the petitioner and will take prompt action as may be advised depending upon the health condition of the petitioner.

Furthermore, the concerned N.D.P.S. Court is requested to expedite the trial as the charges have already been framed in this matter.

The application for bail, being CRM 4132 of 2021, is thus **disposed of.**

(Harish Tandon, J)

(Bibek Chaudhuri, J.)