

26.08.2021
Item no. 81
Court No.32.
S.De.
(rejected)

(Via Video Conference)

CRM 4534 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 05.07.2021 in connection with Panchla Police Station Case No. 21 of 2021 dated 19.01.2021 under Sections 20(b)(II)(c)/29 of the Narcotic Drugs and Psychotropic Substance Act.

And

In the matter of : Ismail Sha @ Kalo.

.....Petitioner.

Mr. Mrityunjoy Chatterjee, Advocate,
.....for the Petitioner.

Mr. Binay Panda, Advocate,
Ms. Puspita Saha, Advocate,
Mr. Subham Kanti Bhagat, Advocate,
.....for the State.

Commercial quantity of ganja was recovered from the possession of the petitioner.

The petitioner draws out attention to the seizure list and says that the date and time of seizure list is not mentioned therein. This makes the seizure list a suspect document. The case is doubtful from its inception. He is in custody for more than eight months. He prays for bail.

The petitioner is right in saying that the date and time of the seizure is not mentioned in the seizure list. This is a definite lapse on the part of the police authorities. They should be more careful in future. However, on that ground alone we are not inclined to allow the petitioner's prayer. Further, commercial quantity of ganja is involved. In view of the restriction in Section 37 of the N.D.P.S. Act, we are not inclined to entertain the petitioner's prayer for bail. All points urged by the petitioner before us, may be urged by him at the trial.

CRM 4534 of 2021 is dismissed.

However, in view of the petitioner being in custody for quite some time, we request the learned Trial Court to expedite the trial to the extent possible and bring the same to its logical conclusion as soon as the business of the Court may permit.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)