

Sl. 3  
27.10.2021  
Court No.8  
SD/GB

CRM 4779 of 2021  
***(Via Video Conference)***

**In re:** An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with NCB Crime No.54/NCB/KOL/2017 dated 15.7.2017 under Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

- A n d -

**In the matter of : Soumyajit Bar @ Lalu**

.... Petitioner.

Mr. Ranadeb Sengupta  
Mr. Liton Maitra

... For the Petitioner.

Mr. Y.J. Dastoor, Ld. ASG  
Mr. Phiroze Edulji  
Mr. Uttam Basak

... For the NCB.

Learned Advocate for the petitioner submits that the principal accused, Tapan Das has been granted bail by the Hon'ble Apex Court by order dated October 7, 2021 in Special Leave to Appeal (Cri.) No.5617 of 2021. The present petitioner is in custody for three years and one month. He further submits that in view of the order passed by the Hon'ble Apex Court, the petitioner may be granted bail.

Learned Additional Solicitor General points out that the petitioner was arrested and produced before the Court in execution of warrant of arrest issued against him. On earlier occasions, two learned coordinate Benches rejected the prayer of the principal accused, Tapan Das. The Hon'ble Apex Court may have passed the order in exercise of power under Article 142 of the Constitution of India.

Under such conspectus, the learned Additional Solicitor General vehemently opposes the prayer for bail.

We also feel that the Hon'ble Apex Court passed the order in exercise of power under Article 142 of the Constitution of India. Learned Advocate for the petitioner further submits that as the contraband article was not seized from the house of the petitioner, the presumption as drawn should stand rebutted.

In view of the order passed by the earlier coordinate Benches and in view of the materials on record, we are not inclined to enlarge the petitioner on bail. Accordingly, the application for bail, being CRM 4779 of 2021 stands rejected.

The learned Trial Judge is requested to expedite the trial without granting unnecessary adjournments. We expect that the learned Trial Judge will complete the trial within eight months from date.

**(Rabindranath Samanta, J.)      (Sabyasachi Bhattacharyya, J.)**