

27.09.2021
Court No.28
Item No.33
(REJECTED)

Saswata

CRM 4853 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Barasat Police Station Case No. 541 of 2019 dated 28.09.2019 under Section 21(c) of the NDPS Act;

And

In the matter of : **Liltu Mondal @ Joy**
...Petitioner.

Mr. Debayan Ghosh
Mr. Kaustav Bagchi

...For the Petitioner

Mr. Sanjay Bardhan
Mr. Palash Chandra Majhi

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Barasat Police Station Case No. 541 of 2019 under Section 21(c) of the NDPS Act.

Commercial quantity of contraband was recovered from the exclusive possession of the petitioner and the instant application has been filed for bail because of the delayed disposal of the case. It appears from the record that the charge sheet and the supplementary charge sheet have been filed and the charges have also been framed by the Special Court, but not a single witness has been examined as of date.

Since the commercial quantity of contraband was recovered from the exclusive possession of the petitioner, we do not find that the petitioner has been able to make out a case for taking exception to Section 37 of the NDPS Act.

Accordingly, the prayer for bail of the petitioner is rejected.

However, the Learned Special Judge in the Trial Court under the NDPS Act is requested to take up the matter on the date, so

fixed, i.e., 15th December 2021 and attempt shall be done to dispose of the case within 8 months from the said date.

The application for bail being CRM 4853 of 2021 is accordingly ***dismissed.***

(Harish Tandon, J)

(Bibek Chaudhuri, J.)