

17.11.2021
Ct No. 28
D/L 55
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C.R.M. 5130 of 2021
(Via Video Conference)

Re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Basirhat Police Station Case No. 59/2020 dated 15.01.2020 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act.

In Re: **Raju Patihar,**

... petitioner

Mr. Angshuman Chakraborty,
Mr. S.S. Saha,

... for the petitioner

Mr. Sanjay Bardhan,
Ms. Baisakhi Chatterjee

.... for the State

The learned 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 Basirhat Police Station Case No. 59/2020 dated 15.01.2020 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act.

Contraband above the commercial quantity was recovered from the exclusive possession of the petitioner at the time of raid by the special team. The petitioner is in custody for nearly one year eleven months. According to the learned Advocate for the

petitioner, though the charges have been framed, till date witness action has not ensued.

Learned Advocate for the State expresses his inability to disclose whether any date for recording of the charge-sheeted witnesses has been fixed by the Special Court.

Be that as it may, since commercial quantity of contraband was recovered from the exclusive possession of the petitioner, he is not entitled to bail in view of the rigor of Section 37 of the Narcotic Drugs and Psychotropic Substances Act. Accordingly, the prayer for bail is rejected.

However, we request the learned Judge, Special Court under the Narcotic Drugs and Psychotropic Substances Act to fix a schedule of evidence of the charge-sheeted witnesses provided the charges have been framed, which shall not exceed fifteen days from the date of communication of this order and thereafter shall take effort to dispose of the matter as expeditiously as possible.

The application for bail being **CRM 5130 of 2021** is **dismissed**.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)