

18.11.2021

Court No.28
Item No.56
(REJECTED)

Saswata

CRM 5432 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Karimpur Police Station Case No. 188 of 2020 dated 17.08.2020 under Section 21(C) of the NDPS Act;

And

In the matter of : **Bivash Biswas @ Bapi & Anr.**

...Petitioners

Mr. Sumanta Das

...For the Petitioners

Mr. Rudradipta Nandy

... For the State

The petitioners have filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Karimpur Police Station Case No. 188 of 2020 under Section 21(C) of the NDPS Act.

Contraband above commercial quantity was recovered from the joint possession of the petitioners.

The petitioners are in custody for more than 458 days.

It transpires in the course of hearing that the charge sheet as well as the supplementary charge sheet have already been submitted and the date was fixed for the supply of documents required under Section 207 of the Code of Criminal Procedure.

Since the charge sheet and supplementary charge sheet have already been filed, we do not find any justification in delayed disposal of the case. Since the commercial quantity of contraband was recovered from the joint possession of the petitioner, the rigor of Section 37 of the NDPS Act is attracted and therefore, the prayer for bail is **rejected**.

However, we request the Learned Judge, Special Court under the NDPS Act to see that the documents required to be supplied to

the accused under Section 207 of the Code of Criminal Procedure is immediately complied with, if not already complied with.

Learned Judge, Special Court under the NDPS Act shall also fix the date for hearing of the charge and efforts shall be shown to expedite the trial of the case.

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

The application for bail being CRM 5432 of 2021 is accordingly ***dismissed.***

(Harish Tandon, J)

(Rabindranath Samanta,J.)