

(Through Video Conference)

CRM 6142 of 2021

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 15.09.2021 in connection with Dankuni Police Station Case No. 453 of 2016 dated 01.12.2016 under Sections 21(c)/25/29 of the NDPS Act. and Section 2/8(c) read with Section 468 of the Indian Penal Code.

And

In the matter of : Sri Biplab Datta

... ..Petitioner

Mr. Sanjib Seth, Advocate
Mr. Saptarshi Basu, Advocate

... .. For the Petitioner

Mr. Binay Kr. Panda, Advocate
Mr. Puspita Saha, Advocate

... ...For the State

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody since December 31, 2016. He submits that the police submitted charge-sheet on 2017. Charges were framed on 2019. Since then the prosecution is yet to examine any witness. He draws the attention of the Court to the fact that another co-accused was initially granted interim bail on June 16, 2017 and such bail was confirmed on July 24, 2017. He seeks parity with the other co-accused.

Learned Advocate appearing for the State submits that the co-accused granted bail stands on the different footing as the co-accused was not arrested at the place of seizure. She submits that the prosecution will now be ensuring the attendance of the witnesses at the trial.

Considering that the petitioner cannot be equated with the other co-accused who was granted bail on the ground that no seizure apparently was made from the possession of the co-accused who was granted bail and considering the fact the prosecution is now willing to produce witnesses at the trial, we are not inclined to grant bail to the petitioner.

CRM 6142 of 2021 is dismissed. However, the prosecution will ensure that the witnesses are present and they are examined at the trial.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)