

06.12.2021
Court No.32
Item No. 20
Avijit Mitra

C.R.M. 6766 of 2021 (via video conferencing)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Subrata Roy & ors.

Petitioners

Mr. Koustav Bagchi

For the Petitioners

Mr. Madhusudan Sur,
Mr. Dipankar Mahata

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Rahara P.S. Case No. 114 of 2021 dated 24.03.2021 under sections 20(b)/21(c) of the Narcotic Drugs and Psychotropic Substances Act.

Mr. Bagchi, learned advocate appearing for the petitioners submits that the petitioners are languishing in custody for more than 280 days and chargesheet has not yet been submitted. The petitioners have been falsely implicated and in the said conspectus, further detention of the petitioners is not warranted.

Learned advocate appearing for the State opposes the petitioners' prayer and submits, upon instruction, that prosecution has applied for extension of time for investigation and submission of final report. There had been recovery of 74 kgs. 600 gms. of ganja from the possession of the petitioners herein and in

view thereof, the petitioners are not entitled to any relief, as prayed for.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary. It appears that contraband substance above commercial quantity was recovered from the possession of the petitioners and as such, the rigors of Section 37 of the N.D.P.S. Act is attracted in the present case and in view thereof, we are not inclined to exercise any discretion in favour of the petitioners at this stage.

Accordingly, the application for bail, being CRM No.6766 of 2021, is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)