

October 28, 2021
AD 11.
Ct.8.
BPG & SG

C.R.M. 6851 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with N. Case No.203 of 2017 arising out of Barasat Police Station Case No.646 of 2017 dated 22.07.2017 under Section 20(b)(ii)(c) of the NDPS Act, 1985.

And

In the matter of: Ashoke Dutta ... petitioner.

Mr. Angshuman Chakraborty
... for the petitioner.

Ms. Sukanya Bhattacharjee
Ms. Sreeparna Das
... for the State.

We have considered the relevant materials which are on record including the fact that the commercial quantity of contraband substances were recovered from the petitioner. The only ground urged for grant of bail is that the petitioner has been in custody for four years and four months and no witnesses have been examined till date. The application for bail was also rejected by a coordinate Bench of this court on August 13, 2019.

Learned counsel appearing for the State has cited the pandemic for the delay in the investigation.

However, considering the seriousness of the offence, we are not inclined to grant bail particularly when the evidence has been fixed on November 10, 2021.

The Additional District & Sessions Judge, 6th Court, Barasat, North 24 Parganas is, however, requested to make a serious effort for expediting the proceedings and completing the same within an outer limit of 16 weeks since the petitioner has been languishing in jail for almost 4½ years. The fact that the ongoing pandemic is a risk to the health of the petitioner shall also be taken into consideration by the learned court in expediting the matter.

CRM 6851 of 2021 is, accordingly, dismissed at this stage in terms of the above.

(Moushumi Bhattacharya, J.)

(Aniruddha Roy, J.)