

29-11-2021
Subrata
Item no.504
allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

CRM No.7497 of 2021
Ashok Chakraborty
-vs-
The State of West Bengal

In Re: Application under **section 439 CrPC** in connection with NDPS Case No. 43 of 2021 and Berhampore P.S. Case No.222 of 2021 dated 5th March 2021 under sections 22(c)/29 NDPS Act, 1985 and in custody from March 5, 2021.

Mr. Sabir Aghmed Mr. Apan Saha	...for the petitioner
Mr. Sanjay Bardhan Mr. Palash Chandra Majhi	... for the State

The petitioner seeks bail under section 439 CrPC.

Learned advocate for the petitioner draws the attention of this court to the contents in the FIR, particularly the column 3 thereof.

Learned advocate for the petitioner submits that there is interpolation in the GD reference. He submits that the petitioner is suffering from heart ailments amongst others and is of advance stage. According to him, the medical condition does not permit the petitioner to carry bag containing the contraband claimed to be seized from the possession of the petitioner. He says that the petitioner is in custody for about 235 days. Therefore, according to him, the court should consider the prayer for bail.

Learned advocate for the State submits that 120 bottles of phensydil were seized from the possession of the petitioner, and that the police submitted charge-sheet against him.

Considering that the commercial quantity of contraband was seized from the possession of the petitioner, we are of the view that the

petitioner is unable to overcome the restrictions under section 37 of the NDPS Act, 1985. Consequently, the prayer for bail is hereby rejected.

Learned advocate for the petitioner submits that trial may be expedited. It appears that the police filed charge-sheet. In such circumstances, the jurisdictional court is requested to frame charges, if not already framed. In the event charge is framed, then the jurisdictional court is requested to dispose of the trial as expeditiously as possible.

CRM No.7497 of 2021 is thus dismissed.

[Debangsu Basak, J]

[Bibhas Ranjan De, J]