

09.02.2021

Item no.11
Court No.28
Avijit Mitra

C.R.M.8603 of 2020 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with A.J.C. Bose B. Garden Police Station Case No.37 of 2017 dated 10.03.2017 under Sections 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act ;

And

In Re : Soumen Dey @ Habu

.... petitioner

Mr. Dev Kumar Sharma

....for the petitioner

Mr. Ranobir Roy Chowdhury

..... for the State

The learned advocate appearing for the petitioner submits that the petitioner is in custody for 3 years 11 months and there has been no progress in the trial which entitles him to be released on bail. To that effect the learned advocate relies upon an order of the Hon'ble Apex Court in Criminal Appeals No.245/2020 (SLP CRL 8823/2019). Learned advocate further emphasises that in view of the long detention the petitioner may be released on bail.

Mr. Roy Chowdhury, learned advocate appearing for the State opposes the prayer for bail and draws the attention of this Court to the antecedents of the petitioner wherein by way of a report he submits that 18 cases are pending against the present petitioner out of which in six cases he is still in custody.

We have taken into account the report and the nature of offences so committed and having regard to the antecedents of

the present petitioner, we are of the opinion that the judgment referred to above of the Hon'ble Apex Court by the learned advocate appearing for the petitioner do not apply in the facts and circumstances of the present case and as such the prayer for bail of the petitioner is rejected.

The application for bail being C.R.M. No.8603 of 2020 is, accordingly, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)