

25.01.2021
Court No.28
Item No. 15
Krishnendu
Bail Rejected

CRM 8811 of 2020
(Via video Conference)

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

And

In Re : **Tapas Das @ Tapash Das**

.....Petitioner

Mr. Shibaji Kumar Das

....For the Petitioner

Mr. Suman De

.....For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Jagaddal Police Station Case No. 296 of 2019 dated 06.04.2019 under section 21(C) of the Narcotic Drugs & Psychotropic Substances Act, 1985 (Case No. N- 54 of 2019).

Mr. Das, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the instant case, who is in custody for more than one year ten months. Further detention would prejudice the right of the petitioner so far as life and liberty are concerned.

Mr. De, learned advocate appearing for the State opposes the prayer for bail and submits that pursuant to the earlier direction passed by this Court, the Chemical Examiner's Report has been obtained and the same would be made available before the learned Special Court.

Having regard to the fact that the petitioner was apprehended along with commercial quantity of contraband, being 4 kgs. 800 gms. Of codeine mixture, we are of the opinion

that he is unable to overcome the rigors of section 37 of the N.D.P.S. Act. As such, the prayer for bail is rejected.

However, the learned Special Court would consider the period of detention of the petitioner and take steps for expediting the progress of the case.

With the aforesaid observations, the application for bail, being CRM No. 8811 of 2020, is dismissed.

(Tirthankar Ghosh, J)

(Tapabrata Chakraborty, J)