

09.02.2021
Court No.28
Item No. 17
Krishnendu
Bail Rejected

**CRM 9288 of 2020
(Via video Conference)**

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

And

In Re : Biswajit Das @ Mithun

Petitioner

Mr. Surojit Basu

For the Petitioner

Mr. Prasun Kumar Dutta, Id. A.P.P.

Mr. Santanu Deb Roy

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Barasat Police Station Case No. 40 of 2020 dated 30.01.2020 under section 21(c) of the Narcotic Drug and Psychotropic Substances Act, 1985 (N. Case No. 31 of 2020).

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in this case. Upon completion of investigation, charge sheet has also been filed. He further submits that the matter was last taken up for hearing on 12th November, 2020 and upon hearing the learned advocate appearing for the petitioner, the matter was adjourned with an observation that if the State is not able to obtain the chemical examiner's report, the petitioner may be entitled to bail.

The learned advocate appearing for the State opposes the prayer for bail and submits that the contraband substance above commercial quantity was recovered from the petitioner. He has placed before us the case diary wherefrom it appears that the chemical examiner's report was obtained and

supplementary charge sheet was filed prior to the last date of hearing of the present matter.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary and as contraband substance above commercial quantity was recovered from the petitioner, we are of the opinion that the petitioner has not been able to overcome the rigors of section 37 of the N.D.P.S. Act and, as such, we are not inclined to enlarge the petitioner on bail at this stage.

However, the learned Trial Court is directed to conclude the trial expeditiously without granting any unnecessary adjournments to any of the parties.

Accordingly, the application for bail, being CRM No. 9288 of 2020, is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)