

02.02.2021

Item No.18

Ct.No.28

dc.

Rejected

C.R.M. 10837 of 2020

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : **Samad Sk.**

... Petitioner.

Mr. Uday Sankar Chattopadhyay,
Mr. Santanu Maji,
Ms. S. Saha

... For the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Manisha Sharma

... For the State.

The present application under Section 439 of the code of Criminal Procedure has been preferred by the petitioner in connection with Special Case No. 15 of 2020 arising out of Mongalkote P.S. Case No. 113 of 2020 dated 13.05.2020 under Sections 20(i)(c) of the Narcotic Drugs and Psychotropic Substances Act.

Mr. Chattopadhyay, learned advocate appearing for the petitioner submits that the petitioner had been repeatedly implicated in several proceedings including the present one. In the first proceeding, the petitioner was acquitted. In connection with the second proceeding, the petitioner was granted bail. In support of such contention, he has drawn

our attention to pages 23 and 54 of the application. He further submits that upon completion of investigation, charge-sheet has also been filed and as such, further detention of the petitioner, who is in custody for 265 days, is not necessary.

Mr. Bardhan, learned advocate appearing for the State opposes the petitioner's prayer and submits that contraband substance, above commercial quantity, was recovered from the exclusive possession of the petitioner.

Having heard the learned advocates and considering the materials in the case diary, the seizure list, the gravity of the offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to enlarge the petitioner on bail at this stage.

Accordingly, the application for bail, being CRM 10837 of 2020, is dismissed.

However, the learned trial court is directed to take expeditious steps towards conclusion of trial, without granting unnecessary adjournments.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)