

22.01.2021
Item no.20
Court No.28
Avijit Mitra

C.R.M.10904 of 2020 (via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with South Port Police Station Case No.67 of 2018 giving rise to D.D. Case No.208 of 2018 dated 18.07.2018 under Sections 20(b)(ii)(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985;

And

In Re : Amjad Ali Khan

.... petitioner

Mr. Satarup Purakayastha,
Mr. Pradip Kar,
Ms. Sangeeta Roy

....for the petitioner

Mr. Ranadeb Sengupta

..... for the State

The learned advocate appearing for the petitioner submits that the petitioner is in custody for about 919 days and according to the learned advocate, the seizure itself is questionable as the endorsement of the authorised officer is absent. Learned advocate further submits that in spite of that the petitioner is languishing for such a considerable period and only one witness till date has been examined by the prosecution.

Mr. Sengupta, learned advocate appearing for the State opposes the prayer for bail and submits that the petitioner was present in the vehicle wherefrom huge contraband article of above commercial quantity was seized. Learned advocate further submits that in view of the trial having commenced and the date

fixed by the learned Trial court the release of the petitioner at this stage would jeopardize the case.

Having regard to the materials in the case diary and the stage of the case, we are of the opinion that this is not a fit case to release the petitioner on bail at this stage.

Accordingly, the prayer for bail of the petitioner is rejected.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)