

18.02.2021
Court No.28
Item no. 25
Krishnendu
Rejected

C.R.M. 10928 of 2020
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Beniapukur Police Station Case No.386 of 2018 dated 02.11.2018 under Sections 20(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (S.T. No. 3(12) of 2019;

And

In Re : **Shyamlal Yadav @ Mama**

Petitioner

Md. Shahajahan Hossain,
Ms. Sanjida Sultana

For the petitioner

Mr. Sanjoy Bardhan
Ms. Manisha Sharma
Mr. Palash Chandra Majhi

For the State.

The learned advocate for the petitioner submits that the petitioner is in custody for about twenty-seven months and only two witnesses have been examined by the prosecution out of fifteen witnesses. The learned advocate further submits that as the wife of the petitioner is suffering from cancer, the petitioner may be released on bail on any condition.

Mr. Bardhan, learned advocate appearing for the State produces the status report from which it is reflected that two of the prosecution witnesses have been examined and schedule has been fixed from 26th February, 2021 to 1st March, 2021. He further submits that commercial quantity of contraband was recovered from the petitioner along with his associates.

Having regard to the fact that the subject matter of contraband is above commercial quantity, we are not inclined to release the petitioner on bail as the provisions of section 37 of the N.D.P.S. Act are attracted. As such, the prayer for bail of the petitioner is rejected.

However, the learned Trial Court is directed to expedite the progress of the trial keeping in mind that the petitioner is in custody for about twenty-seven months.

With the above observations, the application for bail, being CRM No.10928 of 2020, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)