

09.03.2021
Item no.19
Court No.28
Avijit Mitra

C.R.M. 10968 of 2020 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with N-13/18 arising out of NCB Crime No.05/NCB/KOL/2018 under Sections 20(b)(ii)(c)/25/28/29 of NDPS Act;

And

In Re : Sri Bijoy Shankar Jha

.... Petitioner

Mr. Debasis Kar,
Mr. Husen Mustafi,
Mr. Subhajit Chowdhury
...for the petitioner

Mr. Y.J. Dastoor, Ld. A.S.G.,
Mr. Phiroze Edulji,
Mr. Rajesh Kumar Shah
...for the State

Mr. Kar, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The allegations levelled against him are unfounded. He is languishing in custody for more than 3 years 7 months and there is no possibility towards conclusion of the trial in the near future. In the said conspectus, the petitioner may be enlarged on bail on any condition.

Mr. Dastoor, learned Additional Solicitor General appearing for the Union of India submits that contraband substance above commercial quantity was recovered from the residence of the petitioner and charges have already been framed on 15th February, 2021.

We have perused the materials on record and as contraband substance above commercial quantity was

recovered from the residence of the petitioner, we are of the opinion that the provisions of Section 37 of the N.D.P.S. Act are attracted and as such, the petitioner's prayer for bail is refused.

Accordingly, the application being C.R.M. No.10968 of 2020 is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)