

25.03.2021
Court No.28
rpan /04

C.R.M. 11031 of 2020
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Bizpur P.S. Case No. 678 dated 17.11.2019 under Sections 20C/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : **Subrata Roy**

- Petitioner.

Mr. Shataroop Purkayastha,

Mr. Hamidur Rahaman

....for the petitioner.

Mr. Binay Panda,

Ms. Pushpita Saha

....for the State.

Pursuant to the earlier order passed by this Court on 9th March, 2021, the Superintendent, Dum Dum Correctional Home has filed a report. Let the same be kept on record.

Mr. Purkayastha, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He is suffering from pulmonary tuberculosis. Charges have also not been framed till date and the petitioner is in custody for more than 494 days as on date. In consideration of such facts, the petitioner may be enlarged on bail on any stringent condition.

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

From the report filed by the Medical Officer, Dum Dum Correctional Home, it appears that the authorities are taking due care of the petitioner. He is being periodically checked by OPD (Chest) of the R.G. Kar Medical College & Hospital.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary as well as the medical report, as filed before this Court. Considering the gravity of the offence and the fact that the contraband substance above commercial quantity was recovered from the possession of the petitioner, we are of the opinion that provisions of Section 37 of the NDPS Act are attracted and in view thereof, we are not inclined to enlarge the petitioner on bail at this stage. As such, the petitioner's prayer for bail is refused.

However, in the event any application is submitted by the petitioner pertaining to the medical treatment, the learned court would consider the same and issue necessary direction.

The application for bail, being CRM No. 11031 of 2020 is, accordingly, dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)