

02.08.2021
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SKB

CRM No. 11108 of 2020
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Jamuria Police Station Case No.197 of 2020 dated 19.07.2020 under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic substances Act. 1985.

And

In the matter of: Sanoj Singh and others

... Petitioners

Mr. Chittopriya Ghosh

... for the petitioners.

Mr. Saibal Bapuli,
Mr. Arani Bhattacharyya

... for the State.

Learned advocate for the petitioners has prayed for bail taking the ground of long incarceration together with the fact that the petitioner nos.2, 3 and 4 are the employees, worked under petitioner no.1 and, as such, the recovery of alleged contraband is beyond the knowledge of the petitioners (petitioner nos.2, 3 and 4). It is further submitted that with the submission of charge-sheet, further detention of the petitioners is not necessary. Since the petitioners are the employees, merely for the recovery of the alleged contraband from a godown belonging to petitioner no.1, they cannot be roped in this case.

Learned advocate for the State raises objections against the prayer for bail. The seizure list is drawn to our attention, wherefrom it appears that 216.5 kilogram of

ganja have been recovered from a godown, and with such recovery of huge quantity of ganja, it can be easily presumed that such recovery was from the joint possession of the petitioners with their sufficient knowledge.

It is brought from the record that petitioner no.1 in the meantime suffered death and petitioner no.2 is the brother of the petitioner no.1, who was granted bail and thereafter he surrendered in the court below and now in custody.

Having considered the submission of both sides in context with materials placed on record and bearing in mind the extent of huge recovery of ganja from the joint possession of the petitioners, we are not inclined to grant bail to the petitioner nos.2, 3 and 4 in view of the express rigor contained in Section 37 of N.D.P.S. Act.

Accordingly, the prayer for bail is considered and rejected at this stage.

We, however, appreciate the anguish expressed by the learned advocate for the petitioners regarding the delay in progress of the trial. We request the trial court to expedite the trial and conclude the same within a reasonable period of time without granting any unnecessary adjournment to either of the parties by taking such steps as is available under Section 309 of the Cr.P.C.

C.R.M. 11108 of 2020 stands disposed of.

(Subhasis Dasgupta, J.)

(Tapabrata Chakraborty, J.)

