

23.06.2021

Court No. 28
Item No. JB-09
nandy/seth

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI**

(Via Video Conference)

(bail rejected)

CRM 640 of 2021

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 07.06.2021 in connection with Phansidewa Police Station Case No. 142 of 2018 dated 15.06.2018 under Section 20(b) of the Narcotic Drugs & Psychotropic Substances Act (C.R. NDPS Case No. 22 of 2018).

and

In the matter of: **Rajesh Kumar**

..... Petitioner

Mr. Deep Chaim Kabir, Advocate

Ms. Jeenia Rudra, Advocate

Mr. Anirban Banerjee, Advocate

.....for the Petitioner

Mr. Aditi Shankar Chakraborty, Learned A.P.P.

Mr. Aniruddha Biswas, Advocate

..... for the State

Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner has filed the instant application for in connection with Phansidewa Police Station Case No. 142 of 2018 dated 15.06.2018 under Section 20(b) of the Narcotic Drugs & Psychotropic Substances Act.

Learned Advocate for the petitioner submits that the petitioner has been falsely implicated in this case by the police, since he being a man of Bihar refused to become a witness in connection with a recovery of contraband, from an eatery, where petitioner was having his refreshment. It is further submitted that the petitioner is a daily labourer by profession, and an ordinary resident of Bihar, and as such

he declined to put his signature in connection with the recovery of contraband from an eatery. According to the petitioner, without any overt act attributable to the conduct of petitioner, he has been languishing in jail for the last three years.

Learned Advocate for the State raises objection submitting that there has been recovery of contraband (Ganja) above commercial quantity and the petitioner is highly involved in the alleged crime. There are sufficient materials contained in the case diary justifying his involvement.

Having considered the submissions of both sides, we are of the view that strong incriminating materials are there justifying the direct involvement of the petitioner in the alleged offence, and in view of the bar engrafted under Section 37 of the N.D.P.S. Act, we are not inclined to grant bail to the petitioner.

However, we must appreciate the anguish expressed by the petitioner for the long incarceration, he suffered in the meantime for the non-progress of the trial. Since the trial has already commenced, we request the trial Court to expedite the same without granting unnecessary adjournments, unless it is extremely unavoidable, so that logical conclusion may be reached within a reasonable period of time.

As such, the prayer for bail is **rejected**.

The application being **CRM 640 of 2021** accordingly **dismissed**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)