

29.07.2021.
09.
Akd/As
(Rejected)

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

**C.R.M. 696 of 2021
(Via Video Conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Boxirhat P.S. Case No.09 of 2017 dated 14.01.2017 under Sections 21(a)1(i) of the N. D. P. S. Act.

In the matter of : Narayan Mandal.

... Petitioner.

Mr. Subhasish Mishra.

.....for the Petitioner.

Mr. Aditi Shankar Chakraborty, Id. A.P.P.,
Mr. Biswarup Roy.

.....for the State.

The 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.

Apprehending arrest in connection with Boxirhat P.S. Case No.09 of 2017 dated 14.01.2017 under Sections 21(a)1(i) of the N. D. P. S. Act, the petitioner has filed the instant application for anticipatory bail.

A plea has been taken that the case has been registered simply because there was a cultivation of cannabis at the plot of land over which the petitioner is a co-sharer. The case was registered against the father and the petitioner wherein the father died 15 years before the registration of the said case. An advantage was sought to be taken on the

inconsistency having shown in the charge sheet and the seizure list.

We find from the record that the case is committed to trial and in fact the date has been fixed for recording evidence. Because of the pandemic, there has been a disruption in the progress of the said case which appears to be a sign of concern.

Since the situation has improved considerably, we feel that the trial court must activate the judicial process and should not unnecessarily keep the trial of the case in suspended animation.

We thus request the learned Special Judge, N. D. P. S. Court to fix a date for recording evidence which should not beyond 15 days from the date of communication of this order and thereafter shall proceed to record the evidence of the charge sheeted witnesses following the mandate given under Section 309 of the Code of Criminal Procedure.

Since the contraband was found to have been cultivated in the land of the petitioner, we do not think that it is a fit case where the petitioner should be enlarged on bail.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

The application for anticipatory bail, being CRM 696 of 2021, is thus dismissed.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)

