

19.08.2021
Item no. 02 (J.C.)
Court No.32.
S.De.
(rejected)

In the High Court at Calcutta

Circuit Bench at Jalpaiguri

(Via Video Conference)

CRM 772 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 23.07.2021 in connection with Kotwali Police Station Case No. 752 of 2018 dated 27.10.2018 under Sections 20(b)/25 N.D.P.S. Act.

And

In the matter of : Jyotish Barman & Anr.

.....Petitioners.

Mr. Jaydeep Kanta Bhowmik, Advocate,
.....for the Petitioners.

Mr. Sourav Ganguly, Advocate,
Mr. Aditi Shankar Chakroborty, Advocate,
.....for the State.

Commercial quantity of ganja was recovered from the joint possession of the petitioners. Charge sheet has been filed after obtaining Chemical Analysis Report.

The petitioners say that they have been languishing in jail for about two years and nine months. They seek to rely on a judgment of the Hon'ble Apex Court wherein the Hon'ble Court had granted bail to the petitioners, although commercial quantity of contraband had been recovered from them, in view of the pandemic situation.

We cannot read the said judgment as saying that in all cases irrespective of the facts, whenever a person is detained in custody under the N.D.P.S. Act for more than two years five months, he must be enlarged on bail.

The restriction in Section 37 of the N.D.P.S. Act is squarely attracted in the facts of the present case.

Hence, we are not inclined to entertain this application for bail.

However, in view of the protracted detention of the petitioners, we request the learned Court below to expedite the trial to the extent possible and bring the same to its logical conclusion as soon as the business of the Court may permit.

The application for bail is, accordingly, rejected.

C.R.M. 772 of 2021 is dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)