

CRM (NDPS) 524 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **20.5.2022** in connection with **Lake Town** Police Station Case No. **97** of **2020** dated **21.7.2020** under Section **21(c)** of the NDPS Act.

And

In the matter of: **Gourab Biswas @ Nata**

....petitioner.

Mr. Shashanka Shekhar Saha

...for the petitioner.

Mr. Arijit Ganguly

Mr. Sanjib Kr. Dan

... for the State.

Learned counsel for the petitioner, by placing reliance on certain judgments of the Supreme Court, contends that the Supreme Court, in similar circumstances, had enlarged the respective accused persons on bail in the said cases.

However, learned counsel for the State opposes the prayer for bail and contends that it is clearly indicated in the chemical analysis report that a substantial amount of contraband substance was found in the possession of the petitioner and that there is a chance of big racket operating with the petitioner behind the scene.

However, from the judgments cited by learned counsel, particularly those rendered in *Sushil Biswas vs. The State of West Bengal* and *Dhiman Roy @ Budo vs. The State of West Bengal*, we do not find that any specific period for incarceration was indicated. Although, in the other judgment, that is, *Md. Asim and Another vs. The State of West Bengal*, the Supreme Court had indicated that the period was for over two years and eight months, since the said judgment was a general consideration on the facts of the case and did not lay down any straight jacket judicial formula, for being cited

as a precedent, we do not find any mitigating factor in the present case to overcome the presumption raised under Section 37 of the NDPS Act.

Accordingly, CRM (NDPS) 524 of 2022 is rejected.

It is expected that the trial shall be concluded as expeditiously as possible.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)