

CRM 4850 of 2021
(via video conference)

Re: An application for bail under Section 439 of the Code of Criminal Procedure.

In the matter of : **Tarun Biswas**

..... petitioner

Mr. Angshuman Chakraborty

.....For the petitioner

Mr. Saswata Gopal Mukherji, Ld. PP

Mr. Binay Panda

Ms. Puspita Saha

.....For the State

Mr. Sudipta Kumar Bose

.....For the *de facto* complainant

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Murutia Police Station Case No. 253/19 dated 21.12.2019 under Sections 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Records reveal that the petitioner's prayer for bail was turned down by a coordinate Bench of this Court on 3rd November, 2022 observing *inter alia* that '*the Superintendent of Police should conduct an enquiry and file a report before the trial Court within six weeks from date. In the event the report is favourable, the petitioner may renew the prayer*'. Pursuant to such direction a report was filed by the Sub-Divisional Police Officer, Tehatta, Krishnagore and not by the Superintendent of Police, Nadia. Irked by such conduct, an explanation was called for by an order dated 27th September,

2021. Pursuant to such direction, the new incumbent, who joined the post of Superintendent of Police, Nadia, submitted an explanation and also filed a fresh report.

Mr. Chakraborty, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for about 752 days and there is no possibility towards conclusion of the trial in the near future. In the said conspectus, further detention of the petitioner may not be necessary and the petitioner is renewing his prayer for bail since a report has now been filed by the Superintendent of Police, Nadia.

Mr. Mukherji, learned Public Prosecutor appearing for the State, however, submits that contraband substance above commercial quantity was recovered from the exclusive possession of the petitioner and as such, the statutory restrictions are clearly attracted.

Replying to the petitioner's contention as regards the enquiry which was previously directed, Mr. Mukherji submits that in strict consonance with the earlier directions of this Court, enquiry was conducted and the Superintendent of Police, Nadia personally appeared before this Court and submitted the report. In the said report it has *inter alia* been observed that the petitioner was *"apprehended with the Narcotic substances near Baliadanga Samsan which, is located at a distance of 03 Kilometers approx from Murutia Police Station. The person was arrested*

on 21.12.2019 at 18.15 hrs. and brought to PS on the same day at 19.15 hrs.”.

He further informs this Court, upon instructions, that out of six witnesses, three have already been examined and the next date for evidence has been fixed in the month of April, 2022.

It appears that the earlier directions issued by this Court have been complied with the concerned authority. Upon enquiry, the contention of the petitioner that he was taken from one police station to another police station within a radius of 80 to 100 kilometers was not found to be true. In view thereof, there is no scope for renewal of prayer for bail at this stage.

However, this Court directs the learned Court below to conclude the trial without granting any unnecessary adjournment to either of the parties and preferably within a period of three months from the date of communication of this order.

The Registrar (Lawazima & Office Management) is directed to communicate this order to the learned Court below immediately.

The application for bail, being CRM 4850 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)