

17.01.2022
S.D.
13.

C.R.M. 8391 of 2021

In Re: An Application for bail under Section 439 of the Code of
Criminal Procedure:

And

In Re: **Saikat Banerjee**

.....Petitioner.

Ms. Nibedita Chandan Dey

...for the Petitioner.

Mr. Swapan Banerjee

Mr. Suman Dey

....for the State.

Mr. Sagar Saha

...For O.P. No. 2.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Gopalnagar Police Station N.D.P.S. Case No. 273 of 2021 dated 19.05.2021 under Section 21 (c)/29 of the N.D.P.S. Act, 1985.

Mr. Dey, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. Earlier also, the petitioner was arraigned in a proceeding being Chakdah Police Station N.D.P.S. Case No. 446 of 2017 dated 27.07.2017 under Section 20(b) of the N.D.P.S. Act but after trial the learned Court below acquitted the petitioner. In the said conspectus and since upon completion of investigation, charge sheet has been submitted, further detention of the petitioner, who is in custody for about 244 days, is not warranted.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the seizure list and several other documents in the case diary.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, it appears that contraband substance above commercial quantity was recovered from the possession of the petitioner and as such the rigors of Section 37 of N.D.P.S. Act are attracted. Considering the seriousness of the offence and the extent of complicity of the petitioner, we are not inclined to exercise discretion in his favour and as such his prayer for bail is refused at this stage.

The application being C.R.M. 8391 of 2021 is, accordingly, dismissed.

The learned Court below is, however, directed to expedite the trial.

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

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J.)