

02.03.2022
Item No.203
Court No.32
ss

C.R.M. 8608 of 2021

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

And

In Re: Bappi Sarkar alias Bapi

... Petitioner.

Mr, Partha Sarathi Bhattacharya
Mr. Sayan De
Mr. Sayan Kanjilal
Mr. Kaustuv Shome

... for the Petitioner.

Mr. Sudip Ghosh
Mr. Bitasok Banerjee
Mr. A. K. Datta

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Balurghat P.S. Case No. 263 of 2017 dated 23.06.2017 under Sections 22(c)/23(c)/27(A) of the Narcotic Drugs and Psychotropic Substances Act.

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated on the basis of an authorisation letter, which was found in the motorcycle from which contraband substance was recovered on the alleged date of incident, i.e., 22nd June, 2017. The authorisation letter would reveal that such authorisation was valid for the period from 6th August, 2015 to 5th August, 2016 and thus its validity expired prior to the date of the incident. In view thereof, the allegation that the petitioner had constructive

possession of the contraband substance is not tenable. Copy of the authorisation letter, as produced, be kept on record.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer and submits that the matter involves contraband substance above commercial quantity. The registered owner of the said motorcycle is the father of the petitioner. The authorisation letter establishes the petitioner's direct nexus with the alleged offence.

Answering our query, he submits, upon instruction, that next schedule for examination of eleven witnesses has been fixed on and from 14th March to 19th March, 2022. Let the documents, as produced, be kept on record.

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

It appears that an authorisation letter standing in the name of the petitioner was found in the motorcycle seized. The owner of the motorcycle is the petitioner's father. In the said conspectus, *prima facie*, the petitioner's involvement in the alleged offence, which involves narcotic substance above commercial quantity, cannot be totally ruled out and as such, his prayer for bail is refused at this stage.

However, the learned Court below is directed to expeditiously conduct the trial and if necessary, upon resorting to steps available under Section 309 of the Code so that logical conclusion of the case may be reached at the earliest, preferably within a period of eight months from the date of communication of this order.

With the above observations, the application CRM 8608 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.)