

16.
04-01-2022
(ct. no.01)
Debajyoti

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI

(Via Video Conference)

CRM 909 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Cooch Behar Kotawali Police Station Case No.253 of 2021 dated 19-04-2021 under Sections 21C of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 25(1-A)/35 of the Arms Act, 1959.

- A n d -

In the matter of : Basu Deb Sarkar

.... Petitioner.

Mr. Hillol Saha Podder

... For the Petitioner.

Mr. Nilay Chakraborty,
Mr. Biswarup Roy

... For the State.

Admittedly commercial quantity of contraband items was recovered from the possession of the petitioner. The petitioner says that there was no independent witness at the time of seizure. He will be at liberty to urge that point at the trial.

In view of commercial quantity of contraband item being involved, the restriction under Section 37 of the Narcotic Drugs and Psychotropic Substances Act is attracted. We are not inclined to allow the petitioner's prayer for bail.

However, we are told that the petitioner is in custody for 270 days. We direct the State to do everything necessary to expedite filing of Charge Sheet and request the learned trial Court to expedite the trial to the extent the business of the court may permit so that the trial can come to an early conclusion.

The application for bail being CRM 909 of 2021 is, thus, **dismissed**.

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

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)