

Sushil Biswas vs The State Of West Bengal on 8 December, 2021

Bench: Ajay Rastogi, Abhay S. Oka

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ITEM NO.3

COURT NO.14

SECTION II-B

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Petition(s) for Special Leave to Appeal (Crl.)

No(s). 7871

(Arising out of impugned final judgment and order dated 31-08-2021 in CRM No. 4606/2021 passed by the High Court At Calcutta)

SUSHIL BISWAS

PETITIONER(

VERSUS

THE STATE OF WEST BENGAL

RESPONDENT(

(IA No.132449/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 132449/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 08-12-2021 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s)

Mr. Subhasish Bhowmick, AOR

For Respondent(s)

Mr. Suhaan Mukerji, Adv.
Mr. Vishal Prasad, Adv.
Ms. Chitralekha Das, Adv.
Mr. Nikhil Parikshith, Adv.
Mr. Abhishek Manchanda, Adv.
Mr. Sayandeep Paharii, Adv.
M/S. Plr Chambers And Co., AOR

UPON hearing the counsel the Court made the following
O R D E R

The present petition has been filed by the petitioner seeking post-arrest bail in connection with the Bongaon Police Station Case No. 967/2019 dated 09.12.2019 under Section 21 (C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “the NDPS Act”).

18:22:46 IST Reason:

According to the prosecution, the petitioner was found in possession of 495 bottles of Phensedyl (100 ml), containing narcotics substance above the commercial quantity. The petitioner was arrested on 09.12.2019 and after investigation charge-sheet was filed under Sections 188/186 of the Indian Penal Code and Section 21(C) of the NDPS Act on 30.05.2020 and later charges have been framed on 25.02.2021. Learned Counsel for the petitioner submits that there are eight prosecution witnesses in the calendar of witnesses and even as on today, no witness could have been examined by the prosecution so far and the trial may take its own time. It is also informed to this Court that there are no past criminal antecedents of the petitioner.

Without going into merits/demerits of the matter, taking into consideration the facts and circumstances on record, in our view the petitioner has made out a case of post-arrest bail. Ordered accordingly.

The petitioner shall be produced before the learned trial court within three days and be released on post-arrest bail on such terms and conditions to the satisfaction of the learned trial Court to ensure the presence and participation of the petitioner in the pending trial.

Consequently, the special leave petition succeeds and is allowed.

Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)
COURT MASTER (SH)

(BEENA JOLLY)
COURT MASTER (NSH)