

Chitta Biswas Alias Subhas vs The State Of West Bengal on 7 February, 2020

Bench: Uday Umesh Lalit, Vineet Saran

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No(s).245/2020
(@ SLP(Crl.) No. 8823/2019)

CHITTA BISWAS ALIAS SUBHAS

Appel

VERSUS

THE STATE OF WEST BENGAL

Respo

O R D E R

Leave granted.

This appeal arises out of the final Order dated 30.7.2010 passed by the High Court of Calcutta in CRM No.6787 of 2019.

The instant matter arises out of application preferred by the appellant under Section 439 Cr.P.C. seeking bail in connection with Criminal Case No.146 of 2018 registered with Taherpur Police Station for offence punishable under Section 21-C of the Narcotic Drugs and Psychotropic Substances Act, 1985.

According to the prosecution, the appellant was found to be in possession of narcotic substance i.e. 46 bottles of phensydryl cough syrup containing codeine mixture above commercial quantity.

The appellant was arrested on 21.07.2018 and continues to be in custody.

It appears that out of 10 witnesses cited to be examined in support of the case of prosecution four witnesses have 17:44:37 IST Reason:

already been examined in the trial.

Without expressing any opinion on the merits or demerits of the rival submissions and considering the facts and circumstances on record, in our view, case for bail is made out. We therefore, allow this appeal and direct as under:

(a) Subject to furnishing bail bond in the sum of Rs.2 lakhs with two like sureties to the satisfaction of the Judge, Special Court, NDPS Act, Nadia at Krishnagar, the appellant shall be released on bail.

(b) The Special Court may impose such other conditions as it deems appropriate to ensure the presence and participation of the appellant in the pending trial.

With the aforesaid directions, the appeal stands allowed.

.....J. (UDAY UMESH LALIT)J. (VINEET SARAN) New Delhi February 7, 2020 ITEM NO.34 COURT NO.6 SECTION II-B S U P R E M E C O U R T O F I N D I A RECORD OF PROCEEDINGS Petition(s) for Special Leave to Appeal (Crl.) No(s). 8823/2019 (Arising out of impugned final judgment and order dated 30-07-2019 in CRM No. 6787/2019 passed by the High Court At Calcutta) CHITTA BISWAS ALIAS SUBHAS Petitioner(s) VERSUS THE STATE OF WEST BENGAL Respondent(s) Date : 07-02-2020 This petition was called on for hearing today. CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT HON'BLE MR. JUSTICE VINEET SARAN For Petitioner(s) Mr. Subhasish Bhowmick, AOR Ms. Manisha Pandey, Adv.

For Respondent(s) Mr. Soumya Chakraborty, Sr. Adv.

Mr. Suhaan Mukerjee, Adv.

Mr. Vishal Prasad, Adv.

Mr. Amit Verma, Adv.

Mr. Abhishek Manchandra Adv. Ms. Kajal Dalal, Adv.

Mr. Nishit Shah, Adv.

M/S. Plr Chambers And Co., AOR UPON hearing the counsel the Court made the following O R D E R Leave granted.

The appeal is allowed in terms of the signed order Pending applications, if any, also stands disposed of.

(INDU MARWAH)
COURT MASTER

(SUMAN JAIN)
ASSISTANT REGISTRAR

(Signed order is placed on the file)