

19.08.19
Sl. No.1
akd
[Rejected]

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri

C. R. M. 574 of 2019

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.07.2019 in connection with Alipurduar Police Station Case No. 378 of 2017 dated 19.07.2017 under Section 20(B)(ii)(c) of the NDPS Act.

And

In Re: **Promod Barman**

... .. Petitioner

Mr. Sandeep Dutta .. Advocate

... .. for the petitioner

Mr. Arun Kumar Sarkar .. Advocate

Mr. Abhijit Sarkar .. Advocate

... .. for the State

Petitioner renews his prayer for bail.

It is submitted on behalf of the petitioner that he is in custody for about 1¹/₂ years. It is further submitted that there are defects in the seizure of narcotic substance.

Learned advocate for the State produces the case diary and opposes the prayer for bail.

Having considered the materials on record disclosing prima facie involvement of the petitioner in the alleged possession of narcotic substance above commercial quantity and in view of the fact that his prayer for bail was rejected earlier and bearing in mind the statutory restrictions under Section 37 of the NDPS Act, we are of the opinion that this is not a fit case to grant bail to the petitioner.

The application for bail is thus **rejected**.

However, keeping in mind the protracted period of detention suffered by the petitioner, we direct the trial court to take necessary steps for conducting the trial on a day to day basis and conclude the same at an early date preferably within a period of one year from date without granting unnecessary adjournment to either of the parties.

(Manojit Mandal, J.)

(Joymalya Bagchi, J.)