

30.09.2020

Court No.27

**CRM 6961 of 2020
(CRAN 1 of 2020)
(Via Video Conference)**

Item 1

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In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Central Criminal Section (CCS) Police Station Case No. 64 of 2019 dated 26.02.2019 under Section 22(b) of the NDPS Act.

Abdul Rasheed
Versus
Andaman & Nicobar Administration

Mr. Uday Sankar Chattopadhyay, Adv.

...for the Petitioner.

Mr. Krishna Rao, Adv.

Mr. Abhirup Chakraborty, Adv.

...for the Respondent.

The petitioner undertakes to affirm and stamp the petition/application as per the Rules within a month of resumption of normal functioning of the court. Subject to such undertaking, the application is taken up through video conference.

CRAN 1 of 2020 is accordingly, disposed of.

This is an application for bail in connection with an offence under NDPS Act, 1985.

The learned Counsel appearing on behalf of the petitioner has fairly submitted that on 8th July, 2020 the application for bail was rejected by a co-ordinate Bench. But he is renewing his prayer on the ground that the wife of the petitioner is seriously ill and unless the petitioner is released on interim bail, the petitioner would suffer irreparable prejudice. The petitioner also tried to impress upon us for bail earlier granted to the petitioner, which was cancelled by the Court below. Prima facie, it appears that narcotic substance in excess of commercial quantity was seized from the possession of the petitioner and having regard to the restriction under Section 37 of the NDPS Act, bail cannot be granted to the petitioner. There is no change in circumstances for which we may consider the application for bail at this stage.

Mr. Rao, learned Counsel for the respondent has submitted that the courts have now started functioning in the Islands and the trial court has fixed 21st October, 2020 for evidence of the complainant.

In view thereof, we request the learned Special Judge (Session Judge) under NDPS Act, Andaman and Nicobar Islands, Port Blair to expedite the trial of Special Case No. 7 of 2019. The learned Special Judge should not grant any unnecessary adjournment to either of the parties and shall try to conclude the trial as expeditiously as possible, preferably within a period of six months from November 2020.

The application for bail is, accordingly, disposed of.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)