

30.09.2020.

Item No. 9

(Rejected)

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C.R.M. 7123 of 2020
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I.A. No. C.R.A.N. 1 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure arising out of NCB Crime No. 48/NCB/KOL/2016 dated 07.12.2016 under Sections 18(b)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Special Case No. 172 of 2016);

And

In the matter of : **Merajul Hoque.**

... petitioner.

Mr. Dipayan Kundu.

...For the petitioner.

Mr. Y. J. Dastoor, Ld. ASG,

Mr. Phiroze Edulji,

Mr. Uttam Basak.

...For the Union of India.

The learned Advocate-on-Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within forty-eight hours of resumption of the normal functioning of the Court. Subject to such undertaking and urgency, the application is taken up for hearing.

Accordingly, the interlocutory application being IA No. CRAN 1 of 2020 is disposed of.

Learned Advocate for the petitioner submits that the petitioner is in custody for more than four years in connection with the instant case and there is no possibility of resumption of trial because of the fact that one of the co-accused has been arrested in connection with the another case and is languishing in jail at Delhi.

Learned Advocate for the Union of India opposes the prayer for bail. It is submitted that the trial, in fact, has commenced and two witnesses have been examined before

the pandemic struck globally. It is further submitted that the next date is fixed on 12th October 2020.

After hearing the respective Counsels and the fact that the trial has seen the progress and two witnesses have already been examined merely because one of the co-accused has been arrested, does not appear to be a factor for release of the petitioner from custody for the simple reason that the commercial quantity of the contraband was allegedly recovered from his possession.

It is open to the petitioner to make an appropriate prayer before the Special Court on the next date of listing of the said matter.

Accordingly, the application for bail being CRM 7123 of 2020 is **rejected**.

(Subhasis Dasgupta, J.)

(Harish Tandon, J.)