

11.08.2021

CRM 4209 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with N.D.P.S case No.44 of 2018 arising out of Lalgola P.S Case No.50 of 2018 dated 23.01.2018 under Section 20(b)(ii)(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, pending before the learned Judge, Special Court 2nd Berhampore.

And

In Re: **Jiarul Haque @ Jiyaul Haque & Anr.**

.....Petitioner.

For the petitioner: Ms. Pramita Banerjee

For the State : None

The petitioner has prayed for bail in connection with the aforementioned case.

It is submitted by the learned Advocate for the petitioner that petitioner was arrested on 22nd January, 2018 while possessing jointly narcotic substance (ganja) above commercial quantity. He is in custody ever since he was arrested. The trial is not progressing as only one out of 15 witnesses has been examined till date. Under such circumstances, the petitioner may be released on bail.

Admittedly narcotic substance above commercial quantity was recovered from the possession of the petitioner. The case is at the stage of trial. In view of the embargo under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 we are of the view that petitioner is not entitled to bail at this stage.

Prayer for bail is thus rejected.

CRM 4209 of 2021 is accordingly dismissed.

Bibek Chaudhuri, J.

Rajesh Bindal, C.J (Acting)