

15.11.2021
Serial 440
AB
Ct. No. 29

(Through Video Conference)

CRM 4765 of 2021

In re : An Application for bail under Section 439 of the Code of Criminal Procedure in connection with Mograhat Police Station Case No.181 of 2019 dated 5.6.2019 under Sections 20(b)(ii)(c) of the NDPS Act

-And-

In the matter of : **Sk. Raja**

... Petitioner

Mr. Joy Chakraborty, Advocate

... ...For the Petitioner

Mr. Ranadeb Sengupta, Advocate

... ...For the State

Petitioner renews his prayer for bail.

Learned Advocate appearing for the petitioner draws the attention of the Court to the order dated January 22, 2020 being the earlier order of rejection of the bail. He submits that the Court directed the Trial Court to expedite the trial and to conclude the same preferably within a period of one year from the next date fixed. He submits that the prosecution obtained adjournment.

Learned Advocate appearing for the State submits that the ongoing pandemic affected the functioning of the Court and, therefore, the trial could not be disposed of within the time desired by the Court on January 22, 2020.

Considering the facts and circumstances of the case and considering the involvement of the petitioner in the incident and considering the fact that commercial quantity of narcotics was seized from the possession of the petitioner, we are of the view that the petitioner is not in a position to overcome the restriction under Section 37 of the NDPS Act, 1985.

So far as the trial is concerned, we cannot be oblivious of the fact that the pandemic affected the functioning of the Court concerned.

In such circumstances, we are unable to grant bail to the petitioner.

The prayer for bail is rejected.

CRM 4765 of 2021 is, accordingly, dismissed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)