

23.12.2021
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Ct. No 29
KAUSHIK
(rejected)

C.R.M. 6237 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **NCB Crime** No. **17/NCB/KOL/2016** of **2010** dated **06.05.2016** under Sections 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Jamirul Sk. petitioner

Mr. Sabir Ahmed
Mr. Ali Ahsan Alamgir
Mr. Riya Das

... for the petitioner

Mr. Y. J. Dastoor
Mr. Phiroze Edulji
Mr. Pradyat Saha

... for the NCB

Petitioner renews the prayer for bail.

Learned advocate for the petitioner submits that, the petitioner is in custody for over five years. There is hardly any progress at the trial. Given the period of detention and the slow progress of the trial, the prayer for bail should be considered.

Learned Additional Solicitor General appearing for the NCB submits that, the last date fixed was on December 30, 2021. The trial could not proceed since no lawyer represented the petitioner. Efforts were made to engage a lawyer from the Legal Aid Services for the petitioner.

No doubt that there subsist a prior order of the High Court requesting expeditious disposal of the trial. However, the blame for slow progress of the trial can be laid at the doorstep of

the prosecution exclusively. The Court should consider the ongoing pandemic situation is also the conduct of the petitioner and not engaging an advocate to defend himself. Moreover, there is an issue of Section 37 of the NDPS Act, 1985. Commercial quantity of narcotic was seized from the possession of the petitioner. The petitioner is unable to overcome such restrictions.

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

Accordingly, prayer for bail of the petitioner is rejected and the application being CRM 6237 of 2021 is dismissed.

No doubt the Court is sesin of the trial, will try and dispose it of as expeditiously as possible.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)