

23
(AD)

09.02.2022

Court No.29

(Rejected)

C.R.M. (NDPS) 161 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Liluah** P.S. Case No.**318 of 2016** dated **13/11/2016** under Sections **353/326/307/120B/468/470/471/34** of the Indian Penal Code and Sections **20(b)(ii)(c)** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Sarafat Mondal @ Sarafuddin Mondal
....petitioner.

Mr. Dev Kumar Sharma

...for the petitioner.

Mr. N.P. Agarwal
Mr. Saryati Dutta

... for the State.

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for more than five years and three months. Other co-accused were granted bail.

Learned Advocate appearing for the State submits that 176.2 kg of ganja was recovered from the joint possession of the petitioner. The trial is ongoing. Out of fifteen witnesses, seven were examined. The next date is February 22, 2022. The ongoing pandemic impacted the expeditious disposal of the trial.

Considering the fact that commercial quantity of narcotic was seized from the joint possession of the petitioner, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985. Moreover,

there is hardly any change in circumstances subsequent to the earlier order of rejection. Consequently, we are unable to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

C.R.M. (NDPS) 161 of 2022 is dismissed.

We, however, request the Court *in seisin* of the trial to dispose of the trial as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)