

22.02.2022

Sl. 20
Court No.29
suvayan
(rejected)

C.R.M. (NDPS) 195 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.02.2022 in connection with N-112/2018, arising out of **Gaighata** P. S. Case No. **585/18** dated **22/06/2018** under Section **21(c)** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Gour @ Gouranga Das

....petitioner.

Mr. Kamalesh Chandra Saha

...for the petitioner.

Mr. Binay Panda

Ms. Puspita Saha

...for the State

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 1100 days. He submits that the charges were framed on March 7, 2020. Although there are eight prosecution witnesses all of which are police personnel, there is hardly any progress of the trial.

Learned Advocate appearing for the State submits that commercial quantity of narcotic was recovered from the possession of the petitioner.

Considering the fact that commercial quantity of narcotic was recovered from the possession of the petitioner, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985. The charges were framed on March 7, 2020. The functioning of the Court was impacted due to the ongoing pandemic. Therefore, the delay in trial of any cannot be attributed to the prosecution.

Consequently, we are unable to grant bail to the petitioner.

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

C.R.M. (NDPS) 195 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

