

**22.03.2022**

Sl. 40  
Court No.29  
suvayan  
(rejected)

**C.R.M. (NDPS) 245 of 2022**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.02.2022 in connection with NDPS case No. **TR18/17**, NCB Crime No. **52/NCB/Kol/2017** under Section **8(c)** of the Narcotic Drugs and Psychotropic Substances Act 1985 and liable to be punished under Section **20(b) (ii) (C)** and **29** of NDPS Act, 1985.

And

In the matter of: Nityananda Majumder

....petitioner.

Mr. Rajib Ghosh

...for the petitioner.

Mr. Y. J. Dastoor, Ld. ASG

Mr. Kallol Mondal

...for the UOI

Petitioner renews the prayer bail.

The petition is taken up for consideration subsequent to the order dated March 16, 2022.

There subsists an order dated March 7, 2022 by which, report was called for from the Narcotics Control Bureau as to the progress of the trial.

Learned Additional Solicitor General appearing for Narcotics Control Bureau submits on instructions that no witness turned up on such date. He submits that the next dates fixed for the purpose of adducing evidence are May 19, 2022 and May 20, 2022. He submits on instructions that the prosecution is likely to adduce five witnesses.

Petitioner is represented.

In the facts of the present case, considering the period of detention of the petitioner and considering the progress of the trial and considering the ongoing pandemic, we are of view that interest of justice would be sub-served by requiring the Trial Court to

dispose of the trial within six months from May 20, 2022. The Trial Court is requested not to grant any unnecessary adjournments to any of the parties and is also requested to adhere to the provisions of Section 309 of the Criminal Procedure Code.

Considering the fact that commercial quantity of narcotic was seized 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.

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

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

**C.R.M. (NDPS) 245 of 2022** is dismissed.

The relevant Registrar will communicate this order to the relevant Court.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**