

15.03.2022

Sl. 48
Court No.29
suvayan
(rejected)

C.R.M. (NDPS) 288 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.03.2022 in connection with **Jiaganj** P.S. case No. **15 of 2019** dated **06/01/2019** under Sections **20/29** of the Narcotic Drugs and Psychotropic Substances Act 1985.

And

In the matter of: Akash Biswas @ Anku

....petitioner.

Mr. Arindam Sen
Mr. Sourav Basu
Mr. Shibasis Chatterjee

...for the petitioner.

Mr. Sanjay Bardhan
Mr. Santanu Chatterjee

...for the State.

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that in the last order of rejection, there was a direction for expeditious disposal of the trial. Out of 11 witnesses only 4 witnesses were examined. Last of the witnessed examined was in the month of October 2020.

Learned Advocate appearing for the State submits that the commercial quantity of narcotic was seized 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.

So far as the earlier order of rejection containing the direction upon the Court to dispose of the trial expeditiously is concerned we

cannot be unmindful on the fact that the ongoing pandemic impacted functioning of the Court. There is not material on record to suggest that the prosecution was indolent in the case. Learned Advocates also adopted resolutions of not attending the Court over long period of time in view of the ongoing pandemic which impacted the trial.

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

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

C.R.M. (NDPS) 288 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)