

14.06.2022.
12.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 603 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. T.R.07 of 2020 arising out of NCB Crime No.06/NCB/KOL/2020 under Sections 8(c) of the N. D. P. S. Act and Section 20(b)(ii)(C) & 29 of the N. D. P. S. Act read with Section 35 of NDPS Act.

In the matter of : Bhim Shankar Dubey.

... Petitioner.

Mr. Arindam Jana,
Mr. Prithish Bandyopadhyay,
Mr. Arhan Sengupta.

...for the Petitioner.

Mr. Somnath Adhikary.

...for the NCB

Heard the learned Advocates appearing for the parties.

Petitioner renews his prayer for bail. He submits he is in custody for about two years and four months. It is contended co-accused viz., Kundan Kumar Dubey was enlarged on bail by this Court in CRM 3500 of 2020.

Learned Advocate for the NCB opposes the prayer for bail and submits 39.5 kgs. of ganja was recovered from the possession of the petitioner and co-accused.

We have considered the materials on record. Petitioner and co-accused were acting in concert with one another. Collective recovery from their possession is 39.5 kgs. of ganja which is above commercial quantity.

In view of the aforesaid facts and the statutory restrictions under Section 37 of the N. D. P. S. Act, we are of

the opinion that this is not a fit case to grant bail to the petitioner.

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

However, keeping in mind the protracted period of detention suffered by him, we direct the trial court to conclude the trial at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)