

29.06.2022
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sdas
rejected

C.R.M. (NDPS) 617 of 2022
with
CRR 495 of 2019
with
CRR 2066 of 2019

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 10 of 2016 and NCB Crime No. 21/NCB/KOL/2016 dated 09.06.2016 under Section 8(c) read with Sections 15(c)/29 of the NDPS Act.

And
In Re : Samir Das petitioner

Mr. Ayan Basu
Sk. Salim
Mr. Sumit Routh

... for the petitioner
in C.R.M. (NDPS) 617 of 2022

Mr. Dipayan Kundu

... for the petitioner
in CRR 2066 of 2019

Mr. Imran Siddiqui

... for the N.C.B.
in C.R.M. (NDPS) 617 of 2022

Mr. Uttam Basak

... for the N.C.B.
in CRR 2066 of 2019

Petitioner is in custody for over six years.

It is submitted by the learned Counsel appearing for the petitioner that the co-accused Rupesh Agarwal was discharged from the case but similar relief was derived to co-accused Asadullah Biswas. He preferred revisional application being CRR No. 2066 of 2019 before this Court against such refusal to discharge him from the case. Learned Single Judge directed

further investigation in the matter and stayed the trial. Hence, petitioner may be enlarged on bail.

Learned Counsel appearing for NCB opposes the prayer for bail and submits that the petitioner was employed as a helper of the vehicle wherefrom 3400kgs. of poppy straw was recovered. From the statement of driver Tapas Sarkar complicity of Rupesh Agarwal and Asadullah Biswas transpired. Prayer for discharge of Rupesh Agarwal was accepted but that of Asadullah Biswas was turned down by the trial court. Consequentially, Asadullah Biswas approached this Court and upon direction of this Court further investigation is in progress.

We have considered the materials on record. Delay in trial is due to further investigation into the roles of co-accuseds viz. Rupesh Agarwal and Asadullah Biswas. This has no impact of the complicity of the petitioner who was in the vehicle which was used for transportation of narcotic substance above commercial quantity.

Under such circumstances and statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

It is open to the petitioner to approach this Court in CRR No. 2066 of 2019 and seek modification and variation of the order of stay in trial in so far as he is concerned in accordance with law, if so advised.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

