

13.07.2022
cm/ct 28

C.R.M. (NDPS) No. 768 of 2022

sl. no. 3

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with NDPS case No. 237/17 arising out of NCB Crime No. 54/NCB/KOL/2017 under Section 20(b)(ii)(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 for the violation of the prohibition imposed under Section 8 (c) of the NDPS Act, 1985.

Rejected

And

In Re : Soumajit Bar @ Soumyajit Bar @ Lalu

..... petitioner

Mr. Angshuman Chakraborty

..... for the petitioner

Mr. Uttam Basak

..... for the NCB.

Petitioner renews his prayer for bail. He submits co-accused Tapan Das was enlarged on bail by the Apex Court in Special Leave Petition (Crl.) No. 5617 of 2021. There is little progress in the matter since the last rejection of bail by this court.

Learned lawyer for the NCB opposes the prayer for bail. He submits Tapan Das was a customer and does not stand on the same footing with the petitioner. Narcotic substance above commercial quantity i.e 35 Kg. of ganja was recovered from the house of the petitioner. Trial is in progress

We have considered the materials on record. 35 Kg of ganja was recovered from the house of the petitioner. He does not state on the same footing with Tapan Das. As per prosecution case, he had come to the house to purchase ganja. Keeping in mind the principal role of the petitioner in the crime and as his prayer for bail was rejected by coordinate Benches of this Court and trial has

progressed since then, we are not inclined to grant bail to the petitioner.

However, as the petitioner has suffered detention for a protracted period of time, we request the trial court to conclude the trial as expeditiously as possible at preferably within six months from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

Copy of this order be sent to the learned court below.

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

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)