

14.03.2022

Serial no. 33

Dd

CRM 6509 of 2021

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **N-141 of 2016** arising out of **NCB CRIME NO 33/NCB/KOL/2016** dated **01.09.2016** under Sections **21C and 28** of the Narcotic Drugs and Psychotropic Substances Act.

-And-

In the matter of : Rezaul Sardar alias Raju Sardar

... ..Petitioner

Mr. Nimail Ray,
Mr. Debangana Bhattacharjee, Advocates
... .. For the Petitioner

Mr. Y.J. Dastoor, Id. ASG
... ..For the NCB

Petitioner renews the prayer for bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody in excess of 5 years 4 months. Despite order of this Hon'ble Court and order of the Hon'ble Supreme Court, the trial is yet to be concluded. He, in his usual fairness, submits that last three dates were fixed for the purpose of recording statement under Section 313 of the Criminal Procedure Code.

The Narcotic Control Bureau is represented by learned Additional Solicitor General. He submits that the evidence of the prosecution was closed on December 18, 2021.

Considering the gravity of the offence and 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 NDPS Act, 1985. It cannot be said that the prosecution was indolent at the trial. There is no material to establish such fact. Moreover, the trial is at the stage of recording the statement of the accused under Section 313 of the Criminal Procedure Code. At this crucial stage, question of enlarging the petitioner on bail does not arise.

In such circumstances, we are not inclined to grant bail to the petitioner.

Prayer for bail of the petitioner is **rejected**.

CRM 6509 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)