

114 04.04.2022
(AD)
Court No.29
(Rejected)

C.R.M. 7492 of 2021

In Re: - An application for bail under Section 439 read with Section 436A of the Code of Criminal Procedure in connection with **N-13/2018, NCB Crime No.05/NCB/KOL/2018** under Sections **20(b)(ii)(C)/25/28/29** of the NDPS Act.

And

In the matter of: Bijay Shankar Jha

....petitioner.

Mr. Nemai Ray
Mr. Nazmut Tauhid
Ms. Piu Ray

...for the petitioner.

Mr. Y.J. Dastoor, Ld. ASG
Mr. Pradyat Saha

... for the NCB.

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that the petitioner in custody in excess of four years. Out of eight witnesses only two witnesses were examined. Today and tomorrow are the dates fixed for recording of evidence of the prosecution. No witness turned up today.

Learned Additional Solicitor General refers to the order dated July 2, 2021 passed in CRR 1332 of 2021.

The revisional application was at the instance of the petitioner where, the revisional court granted one year from the date of such order for the conclusion of the trial. The time fixed by the revisional court is yet to expire.

Learned Additional Solicitor General submits that the

commercial quantity of narcotics was seized from the house of the petitioner.

Considering the fact that commercial quantity of narcotics was seized from the house belonging to the petitioner, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985. So far as the trial is concerned, out of eight prosecution witnesses, two were examined. The prosecution still has time till July 1, 2022 to conclude their evidence. The time fixed by the order dated July 2, 2021 passed in the criminal revisional application of the petitioner is yet to expire. Consequently, we are unable to grant bail to the petitioner.

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

C.R.M. 7492 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)