

08.02.2022

28

Ct. No. 29
KAUSHIK
REJECTED

C.R.M. 8830 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Special Case No. 15 of 2018** arising out of NCB Crime No. 15/NCB/KOL/2018 under Sections 20(b)(ii)C/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Ramesh Swain @ Gandua.

..... petitioner

Mr. Sanat De
Mr. Sujan Chatterjee

.....for the petitioner

Mr. Y. J. Dastoor, learned Additional Solicitor General
Mr. Phiroze Edulji
Mr. Rajesh Kumar Shah

....for the NCB

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that, the petitioner is in custody for about three years five months. The petitioner is sought to be proceeded against on the basis of the statement of the co-accused with no narcotic being seized from the possession of the petitioner. Out of ten witnesses of the prosecution, only two were examined.

Learned Additional Solicitor General appearing for the Narcotic Control Bureau submits, on instruction, that, there is a nexus between the petitioner and the other co-accused who was apprehended with commercial quantity of narcotic. He submits that, there are call record details implicating the petitioner.

Considering the fact that the possibility of the nexus between the petitioner and the other co-accused who were seized with commercial quantity of narcotic cannot be ruled out completely we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, we are unable to grant bail to the petitioner. However, we request the Court in sesin of the trial to dispose of the trial as expeditiously as possible without granting any unnecessary adjournment to any of the parties.

Accordingly, prayer for bail of the petitioner is rejected and the application being CRM 8830 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)