

08.10.2020
SL No.05
Court No.10
(am)

CRM 6799 of 2020
CRAN 1 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **NCB Crime No.10/NCB/KOL/2020** dated **19.03.2020** corresponding to **NDPS Case No. 81/2020** under Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: **Uttam Chatterjee**

....Petitioner.

Mr. Sumanta Ganguly

...for the Petitioner

Mr. Y.J. Dastoor, Ld. A.S.G.,

Mr. Phiroz Edulzi,

Mr. Uttam Basak

...for the NCB

The petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Accordingly, the application being CRAN 1 of 2020 is disposed of.

The learned counsel appearing on behalf of the petitioner in CRM No. 6799 of 2020 submits that the petitioner is no way connected with the commission of the alleged offence. The contraband articles have not been seized from the possession of the petitioner. In fact, one of the principal accused i.e. Raju Dutta has been recently granted bail by a coordinate bench of this

Court on 28th August, 2020. The petitioner is in custody for over six months and there is no possibility of trial commencing in near future.

Mr. Dastoor, learned Additional Solicitor General opposes the prayer for bail. It is submitted that the petitioner in a statement recorded under Section 67 of the NDPS Act has admitted that he was aware of existence of the contraband items under the sole of Nike Sports shoe meant for exports.

In view of the statement recorded under Section 67 of the Act and having regard to the other incriminating materials against the petitioner and also having regard to the fact that the alleged consignors are not traceable, we are not inclined to grant bail to the petitioner at this stage and accordingly, the prayer for bail of the petitioner is rejected.

Accordingly, the application for bail being CRM 6977 of 2020 is rejected.

However, we direct the learned Additional District and Sessions, 6th Court (Special NDPS Act) at Barasat, North 24 Parganas to consider the issue of framing of charges at the earliest and in the event such charge is framed to conclude the trial preferably within a period of six months from the date of framing of charges without granting any unnecessary adjournment to either of the parties.

In the event the ladies whose identities have been disclosed are found and upon interrogation it is revealed that the petitioner is innocent, the petitioner shall also be entitled to apply for bail in such circumstances.

All parties are to act on a website copy of this order on the usual undertaking.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)