

149 13.04.2021
rkd Ct. No. 28
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C.R.M. 1678 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Seizure Case No. **03/NDPS/CL/CUS/BDNPU/2015** dated **06/10/2015** under Sections **20(b) (ii) C** of the NDPS Act.

And

In the matter of: - Nanki Yadav @ Mahanth Yadav
....petitioner.
Mr. Sanat Kumar Das,
Mr. Sujan Chatterjee
...for the petitioner.
Mr. Bhaskar Prasad Banerjee
...for the Customs.

The facts of the case is that 303 k.g. of ganja were recovered from a vehicle and the petitioner was intercepted therewith.

We find from the records that out of seven witnesses proposed to be examined only two witnesses have been examined till date and the accused is in custody since 7th October, 2015. Having regard to the provisions of Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner at this stage. We, as a matter of last chance, grant time for six months to conclude the trial. All the officers who are witnesses in this case shall be available on the date so fixed by the learned trial court.

The learned trial court is directed to fix schedule of at least four dates in a month for the next six months. In case the officers are not available the concerned superior shall appear before the learned trial court and give an explanation regarding the non-appearance of the witnesses. If required, the witnesses can make themselves available through video conference from the place of their posting. Learned trial court should take all

efforts to secure the presence of the witnesses either physically or virtually and complete the evidence within the period of six months. In default, the petitioner will be at liberty to renew his prayer for bail before this Court.

With these observations, CRM 1678 of 2021 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Soumen Sen, J.)