

Via video conference

18.02.22

(S.R.)

Sl.28

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **NCB Crime No.29/NCB/KOL/2018** arising out of NDPS No.6 of 2018 dated 03/07/2018 corresponding to T.R. (NDPS) No.2 of 2019 under Sections 20(b)(ii)(c)/29 of the NDPS Act;

And

In re: Saktipada Pahari

... petitioner.

Mr. Shibaji Kumar Das

... for the petitioner.

Mr. Y.J. Dastoor, ASG

Ms. Anamika Pandey

...for the NCB.

Mr. Das, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for 1317 days and there is no possibility towards conclusion of the trial in the near future. Drawing our attention to the seizure list and the deposition of the PW1, as annexed to the application at pages 13 and 21 respectively, he submits that the PW1 himself stated that he did not seize any document to establish that the place of occurrence was the house of the accused. In view thereof, it is explicit that the petitioner has been falsely implicated.

Mr. Dastoor, learned Additional Solicitor General appearing for the NCB opposes the petitioner's prayer and submits that trial has already commenced and the statutory restrictions are clearly attracted, as there had been recovery of forty kilograms of ganja from the house of the petitioner.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, at this stage it cannot be ruled out that the petitioner had conscious possession of contraband substance above commercial

quantity. As such, the statutory restrictions are attracted. Considering the seriousness of the offence and the present stage of the proceedings, we are not inclined to exercise any discretion in his favour and his prayer of bail is refused at this stage.

However, the learned court below is requested to take expeditious steps towards conclusion of the trial as early as possible preferably within a period of six months from the date of communication of this order.

The application for bail being CRM(NDPS) No.66 of 2022 is, accordingly, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)