

06.09.2022
Sl. No.3
akd
[Rejected]

C. R. M. (NDPS) 1007 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 31.08.2022 in connection with NCB Crime No.36/NCB/KOL/2018 dated 25.07.2018 under Sections 22(c)/29 of the NDPS Act. (NDPS Case No.29 of 2018)

And

In Re: ***Md. Kalu @ Ataur Rahaman***

... .. Petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

... .. for the petitioner

Mr. Uttam Basak

... .. for the NCB

It is submitted on behalf of the petitioner that he is in custody for about four years. It is further submitted independent witnesses are non-existent fictitious persons. Report of local police administration shows no such persons reside or exist at the addresses cited in the charge-sheet.

Learned advocate appearing for the NCB opposes the prayer for bail and submits trial is in progress.

We have considered the materials on record. Trial is in progress. Official witnesses are being examined. Existence or otherwise of independent witnesses require to be seen in the light of the evidence on record particularly that of official witnesses regarding recovery. Under such circumstances, we are not inclined to grant bail to the petitioner.

The application for bail is thus **rejected**.

Trial court is directed to expedite the trial and conclude the same as expeditiously as possible preferably within one year from the

next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)