

11.04.2023
Sl. No.14
akd
[Rejected]

C. R. M. (NDPS) 699 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.04.2023 in connection with S.T.F. Police Station Case No.06 of 2021 dated 14.02.2021 under Sections 21(c)/22(c)/27A/29 of the NDPS Act. (NDPS Case No.08 of 2021)

And

In Re: **Kartik Naidu**

... .. Petitioner

Mr. Sourav Chatterjee
Mr. Joy Chakraborty
Mr. Sandip Dinda

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mr. Subroto Roy

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than two years. It is further submitted trial has not commenced.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner and co-accused were transporting *Yaba* tablets and *Heroin* in vehicles. Bail prayer of co-accused has been rejected earlier.

We have considered the materials on record. Petitioner and co-accused were transporting a large volume of narcotics i.e. *Yaba* tablets and *Heroin* in two vehicles. Manner and circumstance in which narcotics was transported shows commonality of interest between the petitioner and co-accused in the crime. Bail prayer of co-accused has been rejected earlier on merits. Reliance on bail orders in other cases which have a different factual profile is inapposite. Delay was due to further investigation to unravel the ramifications of the crime involving transportation of narcotics by individuals including the petitioner who hail from outside the State and cannot be a ground for bail. Date has

been fixed for consideration of charge. Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

The application for bail is thus rejected.

Trial court is directed to consider the issue of framing of charge at the earliest and to conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)