

02.05.2023.
10.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 859 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.09 of 2020 arising of Special Task Force (STF) P.S. Case No.06 of 2020 dated 02.02.2020 under Sections 20(b)(ii)(C)/29 of the NDPS Act read with Sections 170/467/468/471 of the Indian Penal Code.

In the matter of : Rupdeo Lohara.

... Petitioner.

Mr. Apalak Basu,
Mr. Nazir Ahmed.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee.

...for the State.

Report is placed on record. From the report it appears that a new incumbent has been transferred and shall join the trial court shortly.

It is contended petitioner is in custody for three years and there is delay in trial.

Learned Advocate for the State opposes the bail prayer. He submits report. From the report it appears one witness has been examined in part till date.

We have considered the materials on record. Petitioner hails from a different State. He along with others were involved in inter-state transportation of 352.762 kgs. of cannabis in a vehicle which was passed off as one belonging to the Ministry of Defence DRDO. Counterfeit emblem was affixed to the vehicle.

In view of the devious technique adopted by the petitioner and co-accused in transporting narcotics, it appears they are part of an organised crime syndicate involving interstate transport of narcotics. Trial has already commenced and delay is due to absence of the Judge in the trial court. We have been informed that the new incumbent is about to join.

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

Accordingly, the prayer for bail of the petitioner is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)