

11.05.2023
Sl. No.18
akd
[Rejected]

C. R. M. (NDPS) 957 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.05.2023 in connection with NDPSTR Case No. TR 44 of 2021 arising out of NCB Crime No. 71/NCB/KOL/2021 under Sections 8(c)/20(b)(ii)(c)/28/29 of the NDPS Act.

And

In Re: ***Kalu Charan Gouda***

... .. Petitioner

Ms. Devi Priya Dutta
Ms. Supriya Dutta

... .. for the petitioner

Mr. Arun Kumar Maiti
Mr. Pralay Bhattacharjee

... .. for the NCB

It is submitted on behalf of the petitioner that he is in custody for over 600 days. It is further submitted there is inordinate delay in trial. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits trial is in progress. One witness has already been examined.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 32 kgs. of *Ganja*, which is above commercial quantity from the joint possession of the petitioner and co-accused. Trial is in progress and one witness has already been examined. 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 examine the witnesses expeditiously and conclude the trial at an early date preferably within one year from the

next date fixed for recording evidence without granting unnecessary adjournment to either of the parties. If witnesses have been posted at far off places, trial court may examine the said witnesses through video linkage.

Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)