

20.11.2023
Sl. No.14
akd
[Rejected]

C. R. M. (NDPS) 1764 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.10.2023 in connection with Swarupnagar Police Station Case No.43 of 2022 dated 16.01.2022 under Section 21(c) of the NDPS Act.

And

In Re: ***Gautam Saha***

... .. Petitioner

Mr. Ashok Kumar Chowdhury

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about one year and ten months. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits trial is in progress. Four witnesses have already been examined.
3. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 5 ltrs. of *codeine mixture*, which is above commercial quantity from the petitioner. Trial has considerably progressed. Four witnesses have 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.
4. The application for bail is thus rejected.
5. Trial court is directed to conclude the trial as expeditiously as possible preferably within six months from the next date fixed for

recording evidence without granting unnecessary adjournment to either of the parties.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)