

28.11.2023.
11.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1846 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.36 of 2022 arising out of Katwa P.S. Case No.441 of 2022 dated 16.07.2022 under Sections 18(b)/25/27A/28/29 of the NDPS Act.

In the matter of : **Kangabam Jadu Singh @ Jadumoni.**
... Petitioner.

Mr. Dipankar Chatterjee.
Mr. Kalyan Kr. Bhattacharjee,.
Ms. Sahina Khatun.

...for the Petitioner.

Ms. Faria Hossain,
Mr. Anand Keshari.

...for the State.

1. Petitioner is in custody for over a year. He contends no narcotics was recovered from his possession. He has been falsely implicated due to political affiliation. He renews his bail prayer.

2. Learned Advocate for the State opposes the bail prayer. He submits petitioner is involved in interstate trafficking of narcotics. He has criminal antecedents. His bail prayer was rejected earlier on merits.

3. We have considered the materials on record. CCTV footage and other materials show petitioner had close nexus with co-accused from whom narcotics above commercial quantity was recovered. His bail prayer was rejected earlier on merits and lastly in July, 2023.

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

5. On the ground of delay, we note trial was postponed owing to abscondence of co-accused. Presently, date has been fixed to examine the prosecution witnesses in December, 2023. Petitioner is an influential person and there is possibility of tampering with evidence and winning over witnesses.

6. Under such circumstances, we do not choose to enlarge the petitioner on bail at this stage.

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

8. We request the Trial Court to expedite the trial and conclude the same at an early date by fixing schedules at short intervals preferably within two years from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

9. Parties shall co-operate with the Trial Court in this regard and communicate this order for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)