

06.06.2023
Court No.01
Item No. 18
Rejected

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

sg

CRM (NDPS) 323 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Siliguri Police Station Case No. 439/18 dated 23.07.2018 under section 20(b)(ii)(c)/23 of the NDPS Act.

And

In Re: **Goutam Gupta @ Gautam Gupta**

Petitioner

Mr. Pradeep Kumar Mittal
Mr. Sandip Guha Roy

For the Petitioner

Mr. Aditi Shankar Chakraborty
Mr. Arjun Chowdhury

For the State

The learned Counsel for the petitioner submits that the petitioner is innocent and is in custody for almost four years and there is a little chance of the trial being concluded within a reasonable time. It was stated in the petition that not even a single witness has been examined till the date of filing of this application.

The learned Counsel for the prosecution, however, opposes the prayer for bail. It is submitted that 103.66 kgs of ganja was been recovered from the custody of the petitioner. It is further submitted that the trial has commenced and out of 13 witnesses, one witness has been examined.

Under such circumstances, we are not inclined to grant bail to the petitioner.

However, we direct the learned Trial Court to conclude the trial preferably within a period of one year from the next date fixed without granting any adjournment to either of the parties and in the event the trial is not concluded within the aforesaid period and the reason for delay is not attributed to the petitioner, the petitioner may renew the prayer for bail.

The application for bail of the petitioner is rejected. CRM (NDPS) 323 of 2023 is accordingly, disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Raja Basu Chowdhury, J)

(Soumen Sen, J)