

30.04.2024.
04.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 561 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.05 of 2021 arising out of NCB Crime No.04/NCB/KOL/2021 under Sections 8(c) read with Sections 20 b (ii)(C) & 23(c)/28/29 of the NDPS Act.

In the matter of : **Ramnaresh Mandal @ Radheshyam Chaupal.**

... Petitioner.

Mr. Anirban Dutta,
Mr. Abhra Jena.

...for the Petitioner.

Mr. Kallol Kr. Basu,
Mr. Somnath Adhikary.

...for the NCB.

1. Petitioner is in custody for more than three years. He submits there is delay in trial. Co-accused has been enlarged on bail. Accordingly, he prays for bail.

2. Learned Advocate for the NCB submits report. Report indicates two witnesses have been examined in full. PW 3 is examined in part. He assures the Court that two remaining witnesses shall be examined and trial shall be concluded within six months from the next date fixed for recording evidence.

3. We have considered the materials on record. Petitioner is involved in an international conspiracy to export narcotics. Raid in the courier service revealed petitioner and another were present with a consignment containing 5.4 kgs. of

charas. Petitioner has criminal antecedents. Trial has already commenced. Two witnesses have been examined.

4. Petitioner strenuously argues witnesses were not present on some dates. Most of the witnesses are public officials. They are posted at different places in the country. We note with concern the trial court mechanically allowed *en bloc* deferment of cross-examination of some of these witnesses. As a result official witnesses were required to attend court on two occasions and thereby delaying trial. This being a defense strategy petitioner should blame himself for the delay. We do not find any laxity on part of the prosecution in this regard. Prosecution assures the Court to conclude trial as expeditiously as possible.

5. Under such circumstances, we modify the order passed by the trial court with regard to deferment of cross-examination of witnesses and direct examination, cross-examination and re-examination of each witnesses shall be conducted in *seriatim*.

6. We also direct if official witnesses are posted at different places and it is not possible for them to physically attend court due to their official commitments, trial court shall resort to their examination via video linkage and conclude the trial preferably within six months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

7. With these directions the prayer for bail of the petitioner is rejected.

8. Parties shall co-operate with the trial court and communicate this order for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)