

03.05.2024
SL No.12
Court No.1
(gc)
(rejected)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (NDPS) 204 of 2024

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Siliguri Police Station Case No.439 of 2018 dated 23/07/2018 under Sections 20(b)(ii)(c)/23(c) of the NDPS Act, 1985.

And

In the matter of : **Goutam Kumar Gupta @ Golu Gupta @
Gautam Gupta**

- Petitioner.

Mr. Arunava Paul

....For the Petitioner.

Mr. Nilay Chakraborty, Ld. APP

Mr. Tapan Bhattacharjee,

Mr. Arjun Chowdhury

...For the State.

1. Heard the learned Counsel for the parties.
2. In absence of any supervening circumstances, we are not inclined to exercise our discretion under Section 439 Cr.P.C. in favour of the petitioner.
3. Accordingly, the prayer for bail is rejected.
4. Since it has been submitted on behalf of the State that only two charge-sheeted witnesses are yet to be examined, we request the learned Trial Court to conclude the trial and come to a logical conclusion of the same preferably within six months from the date of communication of this order by invoking Section 309 of the Cr.P.C.
5. We make it clear that the Investigating Officer shall ensure appearance of all the witnesses and production of the

alamats on each date of substantive hearing, failing which, the learned Trial Court will be at liberty to take appropriate coercive action against the prosecution witnesses as well as the police personnel.

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

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)