

17.01.2024
Sl. No.21
akd
[Rejected]

C. R. M. (NDPS) 108 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.01.2024 in connection with Maheshtala Police Station Case No.225 of 2022 dated 13.05.2022 under Section 20(b)(ii)(c) of the NDPS Act.

And

In Re: ***Khokan Maity***

... .. Petitioner

Mrs. Juin Dutta Chakraborty
Mr. Bidan Modak
Ms. Madhumita Paul

... .. for the petitioner

Mr. Iqbal Kabir

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for over 600 days. It is further submitted witnesses to the seizure are not local persons. There are other infirmities in the prosecution case. There is also delay in conducting trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits over 65 kgs. of *Ganja* was recovered from the petitioner. Trial is in progress. Four witnesses have already been examined.
3. We have considered the materials on record. Official witnesses i.e. members of the raiding party have supported the prosecution case. There are also independent witnesses to the seizure. Issues raised during the hearing of the bail application with regard to the fact that independent witnesses are not local inhabitants do not go to the root of the prosecution case. That apart, trial has already commenced and four witnesses have 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)