

25.01.2024

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rejected

C.R.M.(NDPS) No. 168 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Seizure Case No. 43/NDPS/PHENSEDYL/P&1/CCP/WB/2021-22 dated 01.01.2022 under Sections 21(c)/23(c) of the NDPS Act read with Sections 25/29 of the NDPS Act.

And

In Re : Maharaj Singh petitioner

Mr. Sandip Dinda

....for the petitioner

Mr. Bhaskar Prosad Banerjee

Mr. Abhradip Maity

... for the Customs Authority

1. Learned Counsel for the petitioner submits he is in custody for more than two years. It is also submitted there is delay in trial. He renews his bail prayer.

2. Learned Counsel for the Customs Authority opposes the bail prayer and submits two witnesses have already been examined.

3. We have considered the materials on record. Large volume of narcotics i.e. 14970 bottles of Phensedyl Syrup containing codeine phosphate were recovered from a vehicle. Petitioner was in the said vehicle. Trial is in progress and two witnesses have already been examined in full and third witness has been examined in part. Prosecution proposes to examine seven witnesses in all. Under such circumstances we are of the opinion petitioner has not been able to make out a case for bail

either on merits or on the score of delay. Accordingly, we are not inclined to grant bail to the petitioner.

4. Application for bail is, thus, rejected.

5. Trial court is directed to conduct trial expeditiously by fixing schedules in short intervals preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

6. Parties shall communicate this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)