

23.04.2024
Sl. No.4
akd
[Rejected]

C. R. M. (NDPS) 658 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.04.2024 in connection with Dalkhola Police Station Case No.251 of 2021 dated 07.10.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.81 of 2021)

And

In Re: ***Harindar Chouhan***

... .. Petitioner

Mr. Niladri Sekhar Ghosh
Mr. M. Nazar Chowdhury
Ms. Sompurna Chatterjee
Mr. Sourov Mondal

... .. for the petitioner

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Dipankar Paramanick

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about two years and five months. It is further submitted there is inordinate delay in trial. Independent witness did not support the recovery. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits five out of seven prosecution witnesses have already been examined.
3. We have considered the materials on record. Narcotics i.e. 15,680 bottles of *cough syrup* containing *codeine phosphate*, which is above commercial quantity were recovered from a vehicle. Petitioner was present in the vehicle. Trial is in progress. Five out of seven witnesses have been examined. Official witnesses have proved the recovery. Impact of the independent witness turning hostile requires to be assessed in the light of the other evidence on record. Prosecution assures this court that trial shall be concluded within six

months from the next date fixed for recording evidence subject to cooperation by the defence and systemic delays. 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.
5. We direct the trial court to expedite the trial in the light of the assurance given by the prosecution.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)