

22.04.2024.
10.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 687 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.02 of 2022 arising out of Hanskhali P.S. Case No.09 of 2022 dated 04.01.2022 under Sections 21/29 of the NDPS Act.

In the matter of : **Titan Khan @ Kha.**

... Petitioner.

Mr. Arnab Chatterjee,
Mr. Sourav Mukherjee,
Ms. Dhanasree Biswas,
Ms. Poulami Bose.

...for the Petitioner.

Mr. Rudradipta Nandy, Id. A.P.P.,
Mr. Goutam Dinda.

...for the State.

1. Petitioner submits he is in custody for one and a half years. He renews his bail prayer on the ground of delay in trial.

2. Learned Advocate for the State opposes the bail prayer. He submits bail prayer of the petitioner was rejected earlier on merits in 2022 and nine witnesses have already been examined.

3. We have considered the materials on record. 500 bottles of phensedyl syrup were recovered from a auto rickshaw. Petitioner is the owner of the auto rickshaw which was used to transport narcotics above commercial quantity. His bail prayer was rejected earlier on merits. Presently, nine out of thirteen witnesses have been examined. Prosecution assures the court that remaining four witnesses shall be

examined and trial be concluded within six months from the next date fixed for recording evidence subject to co-operation by defence and systemic delays.

4. In view of the aforesaid assurance and the mature stage of trial, we are not inclined to grant bail to the petitioner on the score of delay in trial.

5. Accordingly, the prayer for bail of the petitioner is rejected.

6. We request the trial court to expedite the trial in the light of the assurance given by the prosecution.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)