

07.11.2024.
53.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1646 of 2024

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection Sspecial Case No.01 of 2023 arising out of Burdwan P.S. Case No.262 of 2023 dated 28.02.2023 under Sections 21(c)/25/29 of the NDPS Act.

In the matter of : ***Maharaj Khan.***

... Petitioner.

Mr. Soumyajit Das Mahapatra,
Mr. Tapodip Gupta.

...for the Petitioner.

Mr. Ranadeb Sengupta,
Mr. Sharequl Haque.

...for the State.

1. Supplementary affidavit is placed on record.
2. Petitioner contends there is delay in trial. Hence, he prays for bail.
3. Learned Advocate for the State opposes the bail prayer. He submits only two more prosecution witnesses are left to be examined.
4. We have considered the materials on record. Over 4200 bottles of phensedyl syrup containing codeine phosphate above commercial quantity were recovered. Trial has progressed substantially. Prosecution proposes to examine only two more witnesses.
5. Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner either on merits on delay.

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

7. We request the trial court to examine the remaining prosecution witnesses at the earliest and conclude the trial at an early date preferably within six months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

8. Parties shall communicate the order to the trial court for necessary compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)