



CRM-M-36100-2024

-2-

classified as non-commercial under the NDPS Act. The provisions of Section 50 of the NDPS Act were not adhered to, as no Gazetted Officer was present at the spot, nor was any notice issued to the petitioner. It has still further been submitted that the petitioner has been in custody since April 5, 2024, and only six prosecution witnesses out of the 12 cited have been examined; hence the trial would take considerable time to conclude. It has still further been contended that further incarceration of the petitioner would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, submits that the petitioner was apprehended at the spot with the alleged contraband. Learned counsel for the State has further submitted that the petitioner was previously on bail in another NDPS case, but had misused the liberty granted to him. It is further submitted that the petitioner has previous criminal antecedents, since he is involved in three more cases under the NDPS Act and the IPC. In one of the cases under the IPC, the petitioner had been declared a proclaimed offender. Learned State counsel has also argued that only six prosecution witnesses remain to be examined and hence trial would now conclude very shortly.

4. Heard learned counsel for the parties and perused the relevant material available on record.

5. *Prima facie* the petitioner comes across as a habitual offender who has previously misused the concession of bail granted to him in FIR 327 dated 16.07.2023 under the NDPS Act. Furthermore, the petitioner



CRM-M-36100-2024

-3-

was also declared a proclaimed offender in another case for offences under IPC. In the present case, challan was presented on June 3, 2024 and charges were framed on 07.09.2024. The trial, therefore, is progressing at a reasonable pace, given that only six prosecution witnesses remain to be examined now. Hence, the trial would conclude shortly.

6. In the facts and circumstances of the case, this Court does not deem it fit to grant the petitioner the concession of regular bail. Accordingly, the instant petition stands dismissed.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

24.09.2024
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No