

26.02.2025
Item no. 44.
Court No.29.
AB
(Rejected)

CRM (NDPS) 150 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with STF Police Station Case No.14 of 2022 Dated 26.05.2022 under Sections 22(C)/29 of the NDPS Act

And

In the matter of : Daneswar @ Dhaneswar Jha @ Sonu

.....Petitioner.

Mr. Debasish Mallick Chowdhury

Mr. Ramasish Mukherjee

Ms. Sinthiya Mukherjee

Mr. Subhankar Kundu

Mr. S. Bhattacharyafor the Petitioner.

Mr. Madhusudan Sur, Id. APP

Ms. Sujata Dasfor the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioner has submitted that the petitioner is in custody for about two years and eight months. There is no chance of an early conclusion of the trial since prosecution will examine ten witnesses. In view of such huge number of witnesses, the petitioner may be enlarged on bail on any condition.
2. Learned Counsel for the State has submitted status report, which is taken on record.
3. Learned Counsel for the State submits that during cross examination of P.W.2, four dates were taken by the learned Counsel for the Defence, as a result of which the cross

examination of P.W.2 could not be completed. The next date for examination of P.W.2 is fixed on 4.3.2025. The prosecution will adduce five more witnesses. There was recovery of huge contraband items from the joint possession of the accused persons. If the petitioner is enlarged on bail, the prosecution may suffer.

4. We have considered the materials on record as well as the status report filed by the State. It appears from the report that four dates were taken by the learned Defence Counsel for cross examination of P.W.2. There is no material on record to show that our earlier order dated 11.07.2024 was communicated by any of the accused persons. The State has also failed to show that they have communicated our earlier order to the learned Trial Court. However, in view of the fact that Defence Counsel took considerable time for concluding the cross examination of P.W.2, which is quite unusual, we are not inclined to allow the prayer for bail of the petitioner, at this stage.

5. The prayer for bail is rejected.

6. CRM (NDPS) 150 of 2025 stands dismissed.

7. However, considering the period of detention of the petitioner, we direct the learned Trial Court to expedite the trial and conclude the same as on early date.

8. Parties to communicate this order to the learned Trial Court.

9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)