

D/L39

01.07.2025
Rohit
ct.no.29

C.R.M. (NDPS) 498 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Special Task Force Police Station Case No. 14 of 2022 dated 26.05.2022 under Sections 22(c)/29 of the NDPS Act, 1985.

And

In Re: **Damien Martin**

...Petitioner

Mr. Francis Samson Correa
Mr. Sunny Nandy
Ms. Sneha Singh
Ms. Yamini Tiwari

...for the petitioner

Mr. Anand Keshari
Ms. Pallavi Priyadarshee

...for the State

It is submitted on behalf of the petitioner that 17 gms of MDMA was allegedly recovered from the joint possession of the petitioners and he is in custody for almost three years. He further submits that during search and seizure no videography was done and the prosecution is still required to examine lot of witnesses and as such nobody knows when the trial would be concluded. He further submits that the sample was not sent within 72 hours in compliance with the law and as such he prays for bail on any terms and conditions.

Mr. Keshari, learned Counsel appearing on behalf of the State opposed the bail prayer contending that the prosecution proposes to examine three more witnesses which includes two independent seizure witness and the IO and within three months from the next date of hearing they will be able to conclude the trial if the accused persons

makes co-operation with the Court. He further submits that the bail prayer of a co-accused namely **Daneswar @ Dhaneswar Jha @ Sonu** was rejected on 26.02.2025 and the present petitioner is almost on the same footing.

Having heard learned counsel appearing on behalf of the petitioner and the documents placed before me prima facie appears that the delay in trial cannot be attributed solely upon the prosecution and that commercial quantity of narcotic substance was allegedly recovered from the joint possession of the petitioner the prayer for bail is considered and rejected.

However, in view of the aforesaid submission made on behalf of the prosecution Trial Court is requested to expedite the trial and to make every endeavour to complete the examination of witnesses preferably within a period of three months from the next date of hearing. If there be no substantial progress in the trial during the said period for which the delay cannot be attributed to the accused, the petitioner will be at liberty to renew his bail prayer.

Accordingly, CRM (NDPS) 498 of 2025 is disposed of.

Memo of evidence filed the State is taken on record.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)