

21.
10-02-2025
(ct. no.29)
(rejected)
debajyoti

CRM (NDPS) 1698 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with S.T.F.P.S. Case No.27 of 2022 dated 25-08-2022 under Sections 22(c)/23(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

**In the matter of : Koustav Biswas @ Guddu @ Kaustav
Biswas
.... Petitioner.**

Mr. Joy Chakraborty,
Mr. Sandip Dinda

... For the Petitioner.

Mr. Debasish Roy, learned Public Prosecutor,
Mr. Md. Anwar Hossain,
Ms. Suruchi Saha

... For the State.

Dictated by Arijit Banerjee, J.

1. We have seen the status reports filed by the State. Five witnesses have already been examined by the prosecution out of eleven charge sheet named witnesses. The State says that three more witnesses are proposed to be examined.

2. The State further says that in respect of PW 2 to PW 5, the defence has filed an application under Section 231(2) of the Code of Criminal Procedure for deferment of cross-examination of those witnesses. This is also contributing to the delay in progress of trial.

3. We find that commercial quantity of various kinds of contraband items were recovered from the petitioner who is the sole accused in this case. In view of the restrictions in Section 37 of the NDPS Act, we are not inclined to enlarge the petitioner on bail immediately. This is also because we see that although it is a legal right of the petitioner to ask for deferment of cross-examination of prosecution witnesses, it cannot be lost sight of that exercise of such right also causes delay in progress of the trial.

4. In view of the aforesaid, we are not inclined to enlarge the petitioner on bail, at this stage.

5. The application for bail is, thus, **dismissed**.

6. However, considering the period of detention of the petitioner, we direct the learned trial Court to expedite the trial to the fullest extent possible and conclude the same as soon as possible without granting unnecessary adjournments to either of the parties and if necessary, by fixing frequent schedules for examination of witnesses.

7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

8. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)