

47. 28.01.2025
Court
No.29 (Tanmoy)

Rejected

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (NDPS) 1904 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of Sankrail PS Case no. 292/2023 dated 21.4.2023.

And

In the matter of: - **Sandesh Mahato**

Mr. Sk. Toslim Ali

...petitioner.

Ms. Anasuya Sinha, APP

...for the petitioner.

Mr. Nirupam Dhali

...for the State.

Dictated by Arijit Banerjee, J.

1. From the status report that was taken on record on the earlier occasion, we find that the prosecution intends to examine seven more witnesses. The next date fixed before the learned Trial Court is February 25, 2025.
2. The petitioner complains of delay in progress of the trial. We see that one witness has already been examined by the prosecution. So it cannot be said that the trial is stagnant. However, definitely the trial should proceed at a faster pace.
3. 104 Kgs. of *ganja*, much much beyond the commercial quantity, was recovered from the accused persons including the petitioner. The petitioner is a resident of Bihar. If granted bail, there is every possibility of the petitioner absconding.
4. In view of the aforesaid and also keeping in mind the restrictions in Section 37 of the Narcotic Drugs and

Psychotropic Substances Act, 1985, we are not inclined to entertain the petitioner's prayer for bail. The prayer for bail is rejected.

5. The application being CRM (NDPS) 1904 of 2024 is accordingly dismissed.
6. However, considering that the petitioner has been in custody for quite some time, we direct the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same on an early date without granting unnecessary adjournment to either of the parties, if necessary, by fixing frequent schedules for examination of the witnesses.
7. Parties to communicate this order to the learned Trial Court immediately.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)