

24.02.2025

DL-55

Court No.26

CRM (NDPS) 1984 of 2024

(Bail Rejected)

(AD)

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973 as amended/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No.05 of 2023 arising out of **Dankuni** Police Station Case No.**145** of **2023** dated **03.05.2023** under Sections **21(C)/27A/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985, presently pending before the Learned Additional Sessions Judge cum Judge Special Court, Hooghly.

-And-

In the matter of : Noni Gopal Biswas

... ..Petitioner

Mr. Tapodip Gupta, Advocate

... .. For the Petitioner

Mr. Joydeep Roy, Ld. Sr. Govt. Advocate

Mr. Mujibar Ali Naskar, Advocate

... ...For the State

1. Petitioner is in custody for one year ten months.
2. Learned Advocate appearing for the petitioner submits that, three schedules for examining the prosecution witnesses did not result in any prosecution witness being examined at the trial. He submits that, the possibility of the trial concluding in the near future does not exist.
3. Learned Advocate appearing for the State submits that, out of nine prosecution witnesses, one was examined. Commercial quantity of narcotics was seized from the joint possession of the petitioner. He submits that, State is taking steps to ensure that the witnesses are present on the date fixed at the trial.

4. As noted above, the period of custody is slightly in excess of one year ten months. Trial is in progress. Commercial quantity of narcotics was seized from the joint possession of the petitioner. Out of nine prosecution witnesses, one stands examined in part.
5. We are not in a position to return a finding that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985.
6. So far as the plea of delay of trial is concerned, we are not impressed on that ground considering the period of detention of the petitioner and the number of prosecution witnesses remaining to be examined at the trial.
7. In such circumstances, we are not inclined to grant bail to the petitioner.
8. Accordingly, the prayer for bail of the petitioner is **rejected**.
9. **CRM (NDPS) 1984 of 2024** is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)