

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

CRM (NDPS) 44 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.**

Hasibur Rahman

-Vs.-

The State of West Bengal

Before: The Hon'ble Justice Arijit Banerjee

The Hon'ble Justice Apurba Sinha Ray

For the petitioner : Mr. Rajeev Lochan, Adv.
Ms. Riya Jhapri, Adv.

For the State : Mr. Suman De, Adv.
Ms. Tirupati Mukherjee, Adv.

For orders on : 28.02.2025

Arijit Banerjee, J.:-

1. Status report filed by the State be kept with the records.
2. As recorded in our order dated February 13, 2025, the petitioner renews his prayer for bail which was rejected by us on June 13, 2024. He complains of delay in progress of trial. He says that only 2 out of 9 charge-sheet named witnesses have been examined. He is in custody for about 2 years after deducting the period of interim bail that had been granted to him. On the ground of delay and period of detention he prays for bail.

3. Learned State Advocate opposes the petitioner's prayer for bail. He says that the interim bail that had been granted to the petitioner on humanitarian grounds upon the death of one of his parents, was cancelled subsequently and he was directed to surrender. The petitioner did not surrender and absconded. He was taken into custody on December 15, 2023, on the strength of arrest warrant issued by the learned Trial Court. Huge quantity of Narcotics have been seized from the petitioner. In view of Section 37 of the NDPS Act, the petitioner's prayer for bail should be rejected.

4. We find from the records that the petitioner was initially taken into custody on January 17, 2020. Charge-sheet was filed on July 10, 2020. Supplementary charge-sheet along with the chemical report was filed on August 14, 2020.

5. On October 21, 2020, the petitioner was granted interim bail by the learned Trial Court. The State filed an application before this Court, for cancellation of the interim bail.

6. On July 14, 2023, this Court directed the learned Trial Court to consider and dispose of the application for cancellation of bail.

7. On August 30, 2023, learned Trial Court cancelled the interim bail and directed the petitioner to surrender before the Trial Court by September 8, 2023. The petitioner did not surrender on that date or on subsequent dates stipulated by learned Trial Court.

8. On October 18, 2023, learned Trial Court issued a warrant of arrest against the petitioner.

9. On the strength of such warrant of arrest the petitioner was again arrested on December 15, 2023.

10. We, therefore, see that the petitioner has a history of absconsion. He enjoyed interim bail from October 21, 2020, till August 30, 2023. After cancellation of his interim bail, instead of surrendering as he was required to do, he absconded. He had to be arrested in execution of arrest warrant issued by the learned Trial Court. His conduct does not inspire confidence and he may again disappear if enlarged on bail.

11. Hence, we are not inclined to allow the petitioner's prayer for bail.

12. In so far as delay is concerned, we see that some delay has also been caused by the petitioner by absconding for more than 3 months. 2 out of 9 witnesses have already been examined. Considering the period of detention of the petitioner, we direct the learned Trial Court to expedite the trial as much as possible and conclude the same on an early date, without granting unnecessary adjournments to either of the parties and if necessary, by fixing frequent schedules of at least 2/3 days each, for examination of witnesses.

13. CRM (NDPS) 44 of 2025 is accordingly dismissed.

14. Urgent certified website copies of this order, if applied for, be supplied to the parties subject to compliance with all the requisite formalities.

(ARIJIT BANERJEE, J.)

I agree.

(APURBA SINHA RAY, J.)