

20. 21.02.2025
Court
No.29 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 68 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Chanditala P.S. Case No. 387/2024 dated 31.05.2024.
And

In the matter of: - **PREM CHAND YADAV**

...petitioner

Mr. Souvik Mitter
Mr. Joy Chakraborty
Mr. Sandip Dinda

...for the petitioner.

Mr. Debashish Roy, Ld. PP
Ms. Faria Hossain, Ld. APP
Mr. Asif Dewan

...for the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The seizure list and the arrest memo show that there are deviations committed by the concerned Police personnel. There is a huge gap between the places of inception of the vehicle and actual seizure of the articles. The place of inception of the vehicle was at Singur but the place of seizure was shown at Chanditala Police Station compound. All these go to show that the conditions laid down in NDPS Act are not properly complied with by the concerned Police personnel. The petitioner is in custody for more than eight months. Investigation is complete. Charge has been framed. There are 13 charge-sheet named witnesses and as such there is no possibility of an early conclusion of

the trial. The petitioner may be enlarged on bail on any condition that this Court may decide.

2. Learned Public Prosecutor raises vehement objection. According to him, sudden heavy rain with mild storm had started at the relevant point of time and that is why the concerned Police personnel took the vehicle along with the accused person to the compound of Chanditala Police Station and, thereafter seizure was made in accordance with law. Huge quantity of contraband article was recovered and the prosecution will conclude the trial within a very short span of time.
3. We have considered the materials on record. We are also alive to the judicial decision of the Hon'ble Supreme Court rendered on December 20, 2024, in the case of ***Narcotics Control Bureau v. Kashif*** passed in ***Criminal Appeal No. 5544 of 2024 @ Special Leave Petition (Crl.) No. 12120 of 2024***. Considering that there are sufficient *prima facie* incriminating materials against the present petitioner, we are of the view that the accused can take up all those issues at the time of trial. However, in view of commercial quantity of contraband being involved, the petitioner has been unable to overcome the restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, and as such we are not inclined to allow the petitioner's prayer for bail, at this stage.
4. The application being CRM (NDPS) 68 of 2025 is accordingly dismissed.

5. 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 on an early date without granting unnecessary adjournment to either of the parties and if necessary, by fixing frequent schedules for examination of witnesses.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)