

CRM (NDPS) 74 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

- A n d -

In the matter of : Prasenjit Hazra.

.... Petitioner.

Mr. Sandipan Ganguly, Sr. Adv.,
Mr. Joy Chakraborty,
Mr. Sandip Dinda,
Ms. Ipsita Ghosh, ... For the Petitioner.

Mr. Avishek Sinha,
Mr. Sourat Nandy, ... For the State.

Order dictated by Apurba Sinha Ray, J.

1. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case. The Investigating Officer has seized one Leave and Licence Agreement from one Md. Anisur Rahman without showing him as a seizure list witness of such agreement. The petitioner is not at all a licensee of that premises which has been shown as his lease-hold occupation. Moreover, nothing has been seized from the present petitioner. He has a business of transport. This agreement, if at all can be seized from the possession of this petitioner but that was not done. Md. Anisur Rahman, the landlord was also not cited as a witness in the chargesheet. The investigation is complete. There are several witnesses to be examined by the prosecution. There is no chance of an early conclusion of the trial.

2. Learned counsel for the State opposes the prayer for bail. He has submitted that 2160 bottles of Eskuf syrup have been recovered from the godown wherein the present petitioner was the sub-tenant

under one Md. Anisur Rahman. He also submitted that there may be a mistake in non-citing Md. Anisur Rahman as a witness and that lacuna can be taken care of in course of trial. There was also money trail between the petitioner and Md. Anisur Rahman. However, there was a recovery of huge quantity of contraband articles. If the petitioner is enlarged on bail, the prosecution may suffer.

3. Learned counsel for the petitioner has disputed such fact. According to him, the money trail shown by the prosecution has nothing to do with the rental of the alleged sub-tenancy.

4. We have considered the materials-on-record. It appears that Md. Anisur Rahman should have been shown as a seizure list witness but that was not done. However, for the laches of the Investigating Officer, the prosecution cannot suffer. However, there is prima facie material showing that there is a Leave and Licence Agreement between Md. Anisur Rahman and Prasenjit Hazra and a huge quantity of contraband articles was allegedly recovered from the alleged sub-tenanted occupation of the petitioner. We find that the petitioner has not been able to overcome the restrictions imposed in Section 37 of the NDPS Act.

5. In view of the above, we are not inclined to allow the prayer for bail of the petitioner, at this stage.

6. CRM (NDPS) 74 of 2025 is dismissed.

7. However, keeping in mind the fact that the petitioner is in custody for quite some time, we direct the learned Trial Court to spare no efforts to expedite the trial and conclude the same on an early date, without granting unnecessary adjournments to either of

the parties and, if necessary, by fixing frequent schedules for examination of witnesses.

8. Let this order be communicated by the parties to the learned Trial Court.

9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)