

67. 06.03.2025
Court
No.29 (Tanmoy)

Rejected

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

CRM (NDPS) 243 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 NCB Crime No. 19/NCB/KOL/2023 dated 15.46.2023.
And

In the matter of: - **INSAN LASKAR** ...petitioner.
Mr. Sk. Toslim Ali
Mr. Krishnendu Bhattacharya ...for the petitioner.
Mr. Lovishal Kumar
...for UOI/NCB.

Dictated by Prasenjit Biswas, J.

1. Report filed by Narcotics Control Bureau (NCB) be kept with the records.
2. Learned counsel for the petitioner submits that he is in custody since 15.06.2023. Charge of the case has framed by the learned Trial Court on February 5, 2024 and after framing of charge the witness action has not yet been started. There is an inordinate delay in progress of the trial. There is no such scope of early trial in respect of the instant matter. So, it is prayed that this accused petitioner may be enlarged on bail on the ground of his long detention behind the bar.
3. Learned counsel for the State says that there are sufficient incriminating materials in the case diary showing prima facie involvement of this accused petitioner with the alleged offence. Another criminal case under the provision of the

NDPS Act against this petitioner is pending before the Court at Hazaribagh. This petitioner has criminal antecedents. The offence involved in this case is serious in nature. So, the prayer made by the petitioner for releasing him on bail may be rejected.

4. Perused the materials on record. This accused petitioner along with other was allegedly carrying huge quantity of ganja and on searching from those accused persons contraband of 30kg of ganja was allegedly recovered from them. Materials collected by the Investigating Agency prima facie show about involvement of this accused petitioner with the alleged offence. In our opinion, the narrow parameters of bail available under Section 37 of the Act, have not been satisfied in the facts of the present case. It is not safe to conclude that this petitioner has successfully demonstrated that there are reasonable grounds to believe that he is not guilty of his offence against him, for him to have been admitted to bail. The reasonable belief contemplated in the provision requires existence of such facts and circumstances as are sufficient in themselves to justify satisfaction that the accused is not guilty of the alleged offence. Keeping in mind the complicity of this accused petitioner with the alleged offence, coupled with implication of Section 37 of the NDPS Act we are not inclined to enlarge the accused petitioner on bail.

5. The application being CRM (NDPS) 243 of 2025 is accordingly dismissed.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)