

CRM (NDPS) 115 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 : Deep Biswas @ Babai @ Dip Biswas.

.... Petitioner.

Mr. Dipanjan Chatterjee,
Mr. Sankar Paul,
Mr. Gautam Malik,
Ms. Kumari Shipra Roy,
Ms. Rimpa Adhikari,
Ms. Kakan Das, ... For the Petitioner.

Mr. Sandip Chakraborty,
Mr. Bikram Mitra, ... For the State.

Order dictated by Prasenjit Biswas, J.

1. In terms of the earlier order dated February 26, 2025 the Officer-in-Charge, Excise, Barrackpore is present before this Court and he files a report. Let the said report be kept with the record. Personal Appearance of the Officer-in-Charge, Excise, Barrackpore is dispensed with.
2. It is said by the learned Advocate on behalf of the petitioner that this accused petitioner is in custody since for a considerable period of time and in the mean time investigation process has been completed by submitting charge-sheet by the prosecuting agency. Despite submission of charge-sheet, charge has not yet been framed by the Trial Court. There is no criminal antecedent against this petitioner from which it can be ascertained that he has any connection and/or involvement in illegal activities like the present case. This petitioner has/had no knowledge about contraband articles allegedly recovered from his possession. So, it is submitted

that this accused petitioner may be enlarged on bail on the ground of his long detention behind the bar.

3. Learned Advocate for the State raises objection by submitting that there are sufficient incriminating materials in the case diary which show about prima facie involvement of this accused petitioner with the alleged offence. The delay of commencement of trial is solely attributable to accused persons. The Trial has not yet been commenced due to absconsion of two FIR named accused persons.
4. Perused the materials on record. It appears that commercial quantity of contraband articles were recovered from the residence of this petitioner. The reasonable belief as 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 offence and he is not likely to commit any offence while on bail.
5. This nature of embargo seems to have been envisaged keeping in view the deleterious nature of the offence, necessities of public interest and the normal tendencies of the persons involved in such network to pursue their activities with greater vigour. In our opinion, the narrow parameters of bail available under Section 37 of the Act have not been satisfied in the facts of the instant case. Keeping in mind the complicity of the accused petitioner with the alleged offence and the embargo as provided in Section 37 of the NDPS Act, we are not inclined to enlarge the accused petitioners on bail.
6. CRM (NDPS) 115 of 2025 is dismissed.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)