

25.
06-03-2025
(ct. no.29)
debajyoti
(rejected)

CRM (NDPS) 162 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with NCB Crime No.14/NCB/KOL/2023 under Section 8 read with Sections 21(c)/22(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Abdur Rahaman @ Sajid

.... Petitioner.

Mr. Sandipan Ganguly, Sr. Adv.,
Mr. Joy Chakraborty,
Mr. Karan Dudhwewala,
Mr. Sandip Dinda,
Ms. Ipsita Ghosh,
Mr. Ranjit Malakar

... For the Petitioner.

Mr. Gouranga Das,
Ms. Sumita Sarkar

... For N.C.B.

Dictated by Prasenjit Biswas, J.

1. It is submitted on behalf of the petitioner that he is in custody for a protracted period of time. He has been implicated in the instant case on the basis of statement of co-accused. There is no direct evidence on record to link the present petitioner with the alleged offence. The trial of the instant case is being delayed due to lackadaisical nature of the prosecution. So, there is no need for further detention of this accused petitioner behind the bar.

2. Learned Counsel for NCB submits that a large consignment of Spasmo-Proxy tablets containing tramadol was seized from the godowns of Manoj Kumar, Guru Sahay Yadav, Uma Sankar Yadav and Md. Nizam Udding @ Guddu and that contrabands have been seized from the conscious possession of the aforementioned accused persons. The name of this

accused petitioner was transpired from the statement of another accused Uma Sankar Yadav. Materials gathered in the case diary show involvement of this accused petitioner in illegal business of drugs with the help of arrested accused persons since the year 2021. Witness action has begun and some of the witnesses named in the charge-sheet have already been examined. So, if at this stage this accused petitioner is released on bail then there is every possibility of tampering of evidence.

3. Perused the materials on record. After framing of charge evidence taking process has started before the Trial Court and the next date is fixed for cross examination of PW 4, PW 5 and PW 6. CDRs of the petitioner and the arrested accused Uma Sankar Yadav disclose a number of telephone calls between them. So, involvement of this accused petitioner with the alleged offence cannot be ruled out at this stage. The jurisdiction of the Court to grant bail is circumscribed by the provisions of Section 37 of the NDPS Act. It can be granted in case there are reasonable grounds for believing that accused is not guilty of such offence and that he is not likely to commit any offence while on bail. In our opinion the narrow parameters of bail available under Section 37 of the Act, have not been satisfied in the facts and circumstances of the present case. At the stage 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 the offence alleged against him, for him to have been admitted to bail. Keeping in mind the complicity of the accused petitioner with the alleged offence we are not inclined to enlarge the accused petitioner on bail.

4. The application for bail is, thus, **dismissed**.

5. However, considering that the petitioner is in custody for about 1 year 7 months, we direct the learned trial Court to spare no effort to expedite the trial to the fullest extent and conclude the same on an early date, without

granting unnecessary adjournment to either party and if necessary, by fixing frequent schedules of 2/3 days each for examination of witnesses.

6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

7. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)