

26.
06-03-2025
(ct. no.29)
debajyoti
(rejected)

CRM (NDPS) 163 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 Kaliganj Police Station Case No.37 of 2020 dated 21-01-2020 under Sections 27(b)(ii)/27(C)/28 of the Drug & Cosmetics Act and under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Nur Salim Sk

.... Petitioner.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas,
Ms. Poulami Bose

... For the Petitioner.

Mr. Joydeep Biswas,
Ms. Nahid Ahmed

... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for nine months. Only 3 out of 16 charge sheet named witnesses have been examined. Initially, the case was started under the Drugs and Cosmetics Act. Thereafter, the provisions of NDPS Act have been pressed into service. Chemical reports do not confirm presence of narcotics in the goods seized from the petitioner's shop. He prays for bail.

2. Learned advocate further says that three independent witnesses examined so far have all turned hostile. We have noted the submission. It is settled law that even without the aid of independent witnesses, the prosecution can secure conviction if the evidence of other witnesses including police witnesses is convincing enough.

3. Learned State advocate points out that this is a case of 2020. After absconding for four years, the petitioner

surrendered in August, 2024 after proclamation was issued against him. 3 out of 16 witnesses have already been examined. The opinion of experts confirms that the goods seized from the petitioner's shop contain psychotropic substances which would come within the purview of NDPS Act. Next dates fixed are April 23-25, 2025. In view of commercial quantity of psychotropic substances being involved, the bail prayer ought not to be allowed.

4. We see that it cannot be said that there is no progress in the trial at all. 3 witnesses have already been examined. There are 16 witnesses named in the charge sheet. In view of commercial quantity of narcotics/psychotropic substances being involved and noting that the petitioner absconded for a long period of time, we are not inclined to entertain the petitioner's prayer for bail, at this stage.

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

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.)