

41. 06.03.2025
Court
No.29 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 207 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 Harishchandrapur P.S. Case No. 310/2024 dated 15.4.2024.
And

In the matter of: - **BIJAY KUMAR SAHA @ BIJAY KR SAHA @ VIJAY KUMAR**
...petitioner.
Mr. Mrityunjoy Chatterjee
Mr. Debapriya Majumder
...for the petitioner.
Ms. Sreyashee Biswas
Mr. Soumya Basu Roychowdhury
...for the State.

Dictated by Prasenjit Biswas, J.

1. Report filed by the State be kept with the records.
2. The petitioner says that he is in custody for ten months.
Although, investigation process is over by submitting charge-sheet by the prosecuting agency, the charge has not yet been framed by the Trial Court. There are 14 charge-sheet named witnesses. This petitioner is completely innocent and has been falsely implicated in the present case and he had/has no connection or involvement with the alleged offence. He prays for bail on the ground of inordinate delay in the trial.
3. Learned State Advocate raises objection by submitting that there are sufficient incriminating materials in the case diary which show about prima facie involvement of the accused petitioner with the alleged offence. The charge-sheet was filed

showing some of the accused persons as absconder and due to such absconsion of the accused persons trial could not be commenced. So, the cause of delay of commencement of the trial cannot be attributed to the State.

4. Perused the materials on record. Materials gathered in the case diary by the Investigating Agency show about prima facie involvement of this accused petitioner with the alleged offence. Offence involved in this case is serious in nature. Bail can be granted under the provision of the NDPS Act where 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. It is the mandate of the legislature which is required to be followed. 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. So, at this stage it is not safe to conclude that the respondent has successfully demonstrated that there are reasonable grounds to believe that he is not guilty of offence alleged against him, for him to have been admitted to bail. The length of a period of his custody and trial has not yet commenced are by themselves not considerations that can be treated as persuasive grounds for granting relief to the petitioner under Section 37 of the NDPS Act. In our considered view, in the face of the mandate of Section 37 of the Act, the petitioner should not be enlarged on bail.

5. The application being CRM (NDPS) 207 of 2025 is accordingly dismissed.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)