

28.
17-03-2025
(ct. no.29)
(rejected)
debajyoti

CRM (NDPS) 245 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 Asansol GRPS Case No.12 of 2024 dated 13-04-2024 under Sections 21(c)/27A/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Mijanul Islam @ Laltu & Anr.

.... Petitioners.

Mr. Debanshu Ghorai,
Mr. Anisur Rahman

... For the Petitioners.

Mr. Bibaswan Bhattacharya,
Mr. Arup Sarkar

... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioners pray for bail alleging non-compliance of the provisions of Section 52A of the NDPS Act.

2. In two recent judgments, the Hon'ble Supreme Court has been pleased to explain that such a point may be urged at the trial. On the basis of such allegation, bail should not be granted in an NDPS case.

3. Those judgments are, firstly, NCB Vs. Kashif reported at 2024 SCC Online SC 3848 and secondly, Bharat

Ambale vs. The State of Chattishgarh in Criminal Appeal No.250 of 2025 arising out of SLP (Crl.) No.14420 of 2024.

4. In view of the aforesaid and in view of commercial quantity of narcotics being involved, we are not inclined to entertain the petitioners' prayer for bail, at this stage.

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

6. However, since the petitioners are in custody for about 11 months, we direct the learned trial Court to expedite the trial to the extent possible and conclude the same as soon as possible.

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

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)