

10.04.2025
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C.R.M. (NDPS) 303 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS case no. 07 of 2023 arising out of Kaliachak Police Station case no. 35 of 2023 dated 8.1.2023 under Sections 21(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Rafikul Mia @ Rafik**

.... Petitioner

Mr. Kalidas Saha

Ms. Khusi Mollick

...for the Petitioner

Mr. Abhishek Sinha

Mr. Sachit Talukdar

...for the State

Petitioner's contention is that his name transpired from the statement of the principal co-accused Sujan Mondal and he is in custody since 5th December, 2024. He further submits that it will take long time to conclude the trial. He further submits that there is hardly any chance of petitioner's conviction in view of the fact that the alleged confessional statement made by the co-accused person implicating the present petitioner, has got no evidentiary value in the eye of law and in this context, he also relied upon judgment of **Tufan Singh Vs. State of Tamil Nadu** reported in **AIR 2020 SC 5592**. He further submits that the present petitioner has no criminal antecedents. Accordingly, the petitioner prays for bail.

Learned counsel for the State vehemently opposed the bail prayer contending that the petitioner's anticipatory bail prayer was rejected by this court on 28.4.2024 and thereafter, he did not surrender before the court and was absconding

and somehow the police could apprehend him on 5th December, 2024. He further submits that trial has also been advanced to a considerable extent and the next date is fixed on 23rd April, 2025 and 24th April, 2025 and as such, trial is going to be concluded soon. He further submits that the conduct of the petitioner shows that if he is released on bail, there is serious chance of his further absconsion.

I have considered the submissions made by both the parties. It appears that the Division Bench of this court, while disposing CRM(A) 684 of 2024 have made a clear observation that *“materials in the case diary suggest complicity of the petitioner in the incident”*. I find nothing to differ the said observation and as such, Section 37 of the NDPS Act attracts in the present context. Furthermore, trial has already been advanced to a considerable extent and out of nine witnesses, six witnesses have already been examined, as submitted by the learned counsel for the prosecution.

In such view of the matter, the prayer for bail stands rejected. However, the Trial court is requested to conclude the entire proceeding as expeditiously as possible, preferably within a period of three months from the next date of hearing.

Accordingly, CRM (NDPS) 303 of 2025 is dismissed.

Urgent Photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)