

15.07.2025

31
sb

C.R.M. (NDPS) 314 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Kaligang Police Station case no. 483 of 2022 dated 28.07.2022 under Sections 21(c)/27A/28/29 of the NDPS Act, 1985.

And

In the matter of : **Abbas Mondal @ Voka**

.... Petitioner

Mr. Jaydeep Biswas
Mr. Amanul Islam
Mr. Sourav Mukherjee
Mr. Kaushik Ghosh
Mr. Milon Das

...for the Petitioner

Mr. Saryati Dutta
Ms. Arfeen Begum

...for the State

Status report submitted by the State is taken on record.

It is submitted on behalf of the petitioner that the petitioner is suffering long incarceration for a period of three years and as per the prosecution case, they want to examine in all 20 witnesses out of which, they could conclude so far only examination of three witnesses and nobody knows when the trial would be concluded. He further submits that though as per seizure list and written complaint, the seized substances have been described as heroin but the report of chemical examination, states that the sample under reference answers positive test for Morphine and Codeine but the presence of diacetyl morphine (Heroin) could not be ascertained. In such circumstances, the petitioner has prayed for bail on any terms and conditions.

Learned counsel for the State opposed the prayer for bail contending that the prosecution proposes to examine eight witnesses out of which, they could examine three witnesses and the delay in trial cannot be attributable to the State and that the trial would be concluded within very short span of time. He further submits that the chemical examination report as referred by the petitioner, is not final because the authority suggested that if it is required, the sample may be forwarded to the other CFSL for cross-checking.

Having considered the submissions made on behalf of both the parties and that huge quantity of narcotic substance was recovered from the possession of the present petitioner, and that rigour of Section 37 of the NDPS act clearly attracts in the present case in respect of the present petitioner, the prayer for bail made by the petitioner is rejected.

However, since the petitioner is suffering long incarceration, the Trial court is directed to conclude the trial within a period of six months from the next date of hearing. If the petitioner finds no substantial progress in the trial during the said period for which, the delay would not be attributable to the accused person, he will be at liberty to pray for renewal of his bail prayer. Both the parties will communicate the order to the Trial court immediately.

Accordingly, CRM (NDPS) 314 of 2025 is disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)