

29.04.2025
Item no. 30
Ct. No. 29
BD.

C.R.M. (NDPS) 316 of 2025

In Re:- An application for bail under section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with N-10/2023 arising out of Baranagar Police Station Case No. 328 of 2023, dated 21.05.2023 under section 21C/25/27A/29 of the NDPS Act, 1985

In the matter of : ***Sanjay Dhar***

.... Petitioner.

Mr. Somnath Ghosal
Mr. Indrajit Chatterjee
Mr. Dipanjan Karmakar

...for the Petitioner.

Mr. Joydeep Roy
Ms. Madhumita Basak

...for the State.

Bail prayer of the petitioner was earlier rejected by this Court on 23.09.2024 and this is renewal of the bail application.

Petitioner herein contended that he is in custoday for about one year eleven months and though this High Court directed the trial court by that rejection order to conclude the entire proceeding within a period of one year from 23.09.2024 but till that date only examination of two witnesses have been concluded and there is no chance of early conclusion of trial and considering that the petitioner's fundamental right of speedy trial as has been guaranteed under Article 21 of the Constitution of India has been violated the prayer for bail made by the petitioner may be allowed.

Learned counsel appearing on behalf of the opposite party/State raised strong objection contending that on 23.09.2024 the bail prayer of the present petitioner and the co-accused Manik Ghosh was rejected by this High Court with a direction to conclude the entire proceeding within a period of one year from that date.

Opposite party further submits that huge quantity of contraband substance was recovered from the joint possession of the petitioner. Furthermore, being aggrieved by that order dated 23.09.2024 the other accused Manik Ghosh preferred Special Leave to Appeal before the Apex Court and the Court by its order dated 3rd February, 2025 rejected his bail prayer and thereby given liberty to the petitioner to renew his bail prayer if the trial could not be concluded within the period mentioned in the said order dated 23.09.2024. In this context learned counsel for the State further submits that the examination of PW 3 is going on and the prosecution has proposed to examine six to eight witnesses more out of 13 witnesses and they are hopeful that examination of the rest witnesses could be concluded shortly and for which they have also decided to make prayer for propping of the date.

I have considered the submissions made by both the parties.

In view of the facts and circumstances of the case and that the substantial amount of narcotic substance

was recovered from the joint possession of the petitioner and that the trial is in progress and that rigour of section 37 of the NDPS attracts in the present context and that Supreme Court has rejected bail prayer of co-accused, who is almost on the same footing, the prayer for bail is considered and rejected,

The order passed by the Apex Court in Special Leave to Appeal filed by the State is taken on record.

The trial court should make every endeavour to conclude the entire proceeding within the period mentioned in the order dated 23.09.2024.

CRM (NDPS) 316 of 2025 is accordingly disposed of.

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.)