

08.04.2025
Item no. 29
Ct. No. 29
BD.

C.R.M. (NDPS) 326 of 2025

In Re:- An application for bail under section 439 of the Code of Criminal Procedure, 1973/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS case no. 14 of 2023 arising out of Asansol (N) Police Station case no. 365 of 2023 dated 4.9.2023, thereby alleging the commission of offences punishable under Sections 20(b)(ii)(c)/25/29 of the NDPS Act, 1985.

In the matter of : ***Ruby Patra***

.... Petitioner.

Mr. Avik Ghatak
Mr. Fahad Imam

...for the Petitioner.

Mr. Ranadeb Sengupta
Ms. Sajida Sultana

...for the State.

This is an application under section 439 read with section 483 of the BNSS, 2023 wherein petitioner has prayed for bail contending that the order dated 12.02.2025 passed by the court below reveals that the health condition of the petitioner is not sound and she may be required to get better treatment. He further submits that the accused is in custody for about one year seven months and he has also no antecedents. Furthermore, investigation has already been ended in charge-sheet and though the trial commenced but it will take long way to conclude. Considering the prayer made by the petitioner in the touchstone of Article 21 of the Constitution of India and also considering her health issues, she may be enlarged on bail.

Learned counsel appearing on behalf of the State raised strong objection contending that out of 12 charge-sheeted witnesses, prosecution has decided to examine only seven witnesses and out of seven witnesses, evidence of PW 1 has already been completed on 17th March, 2025 and the next date for examination of rest witnesses, has been fixed on 22nd, 23rd and 24th April, 2025 and he submits that another six months may be required to conclude the entire proceedings. He further submits that the order dated 28th November, 2024 and the order dated 9th January, 2025 passed by the trial court reflects that the delay is partly attributable to the petitioner/accused person. He further submits that the allegations against the petitioner is serious in nature and about 194 Kgs. of Ganja was recovered from two vehicles out of which the petitioner was found in one of the vehicle, which is owned by her.

Having considered the facts and circumstances of the case I find that the present proceeding attracts rigor of section 37 of the NDPS Act and as such, prayer for bail is considered and rejected.

However, Trial court is directed to make his best endeavour to conclude the entire proceeding preferably within a period of six months from the date of communication of this order.

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.)