

24.06.2025
Item no.25
Ct. No. 29
BD.

C.R.M. (NDPS) 343 of 2025

In Re:- An application for bail under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 126 of 2021 arising out of NCB Crime No. 22/NCB/KOL/2021 dated 01.07.2021 under section 8(c) read with section 21(c)/29 of the NDPS Act, 1985.

In the matter of : **Bapon Ghosh & Anr.** Petitioners.

Mr. Tapodip Gupta
Mr. Suman Bhanja ...for the Petitioners.

Mr. Arun Kumar Maity (Mohanty)
Ms. Sumita Sarkar ...for the NCB.

Report submitted by NCB is taken on record.

It is submitted on behalf of the petitioners that this is the third time renewal of bail application of the petitioners. Their bail prayers were rejected by this Court on 19.02.2024 wherein this Court directed to fix schedules at short intervals and conclude the trial at an early date preferably within one year from the next date. Thereafter the petitioners seeing no progress in the trial again preferred a bail application before this Court and this Court vide order dated 04.09.2024 directed the trial court to ensure that the time frame indicated by the Coordinate Bench in its order dated February, 19, 2024 is strictly adhered to. However, since then only one witness out of six witnesses could be examined so far.

He further submits that the petitioner no. 1 herein is in custody for about 2 years 11 months and petitioner

no. 2 is in custody for about 2 years and 4 months. In such circumstances it is apparent that it will be a long drawn process to conclude the trial and as such the petitioners may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the NCB vehemently opposed the bail prayer contending that huge quantity of narcotic substance namely 2.067 Kgs. of morphine was recovered from the joint possession of the petitioners and that the petitioners have criminal antecedence and as such if petitioners are released on bail there is serious chance of committing similar type of offence by the petitioners. He further submits that the prosecution is trying their best to conclude the trial at an early date and as such he opposed the bail prayer.

Having heard the learned counsel appearing on behalf of the parties and that rigour of section 37 of the NDPS Act, clearly attracts against the present petitioners in this case, the prayer for bail is considered and rejected.

However, trial court is requested to conclude the entire proceeding preferably within a period of five months from the next date of hearing. In the event no substantial progress in trial during the said period, the petitioners will be at liberty to renew their bail prayers.

CRM (NDPS) 343 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.)