

29.04.2025

CRM (NDPS) No. 366 of 2025

akb
Sl. 38
Ct.29
Rejected

In re: An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with Ghola Police
Station Case No. 63 of 20922 dated 31.01.2022 under Section 21(c)
and 29 of the NDPS Act, 1985 corresponding to Ref. case No. N 09 of
2022.

And

In re: Bablu Shaw @ Mati Bablu @ Babu Shaw
... petitioner.

Ms. Mousumi Bhowal
Mr. S. Ganguly
Mr. Aman Gupta ...for the petitioner

Mr. Iqbal Kabir
Mr. Aritra Bhattacharya ...for the State

It is submitted that the petitioner is in custody for about 67
days. Petitioner further submits that he has been arrested on the
basis of the statement of a co-accused and that the examination of
only three witnesses have been completed so far out of 11 witnesses
and that it will take long time to conclude the trial and as such, he
may be enlarged on bail on any terms and conditions.

Learned counsel appearing on behalf of the State vehemently
opposed the prayer for bail contending that the present petitioner is
the main kingpin and that he has criminal antecedents and that six
cases including the present one is pending against the present
petitioner alleging similar type of offence and also offences under the
IPC and Arms Act. He further submits that the petitioner was
absconded immediate after occurrence in 2022 and on the strength of
warrant of arrest, the police could apprehend him on 21.2.2025. He
further submits that the charge has already been framed on 21.5.2023
and the prosecution proposed to examine 6 to 8 witnesses within a
short span of time. He further submits that the delay in disposal of
case occurred as the P.O. was on leave on four occasions.

Having considered the submissions made on behalf of both the parties and also having gone through the statement of the independent witnesses, who have not yet been examined and that the petitioner has criminal antecedents and that he was absconding from the very beginning and that having criminal antecedent, if the petitioner is released on bail, there is every likelihood of committing similar type of offence by the petitioner and for which rigour of Section 37 of the NDPS Act attracts in the present case, the prayer for bail is considered and rejected.

However, the Court below is directed to expedite the hearing of the present proceeding and to make his best endeavour to conclude the trial preferably within a period of eight months from the next date.

The application, being CRM (NDPS) 366 of 2025 is accordingly disposed of.

(Dr. Ajoy Kumar Mukherjee, J.)