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C.R.M. (NDPS) 345 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with T.R. case no. 30 of 2023 arising out of Howrah GR Police Station case no. 98 of 2023 dated 30.8.2023 under Sections 21(b)/21(c)/22(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Mahesh Prasad Jaiswal**

.... Petitioner

Md. Wasim Akram

...for the Petitioner

Ms. Anasuya Sinha, Ld. APP

Ms. Madhumita Basak

...for the State

It is submitted on behalf of the petitioner that he is in custody for about one year ten months and according to the charge-sheet, 33 witnesses are required to be examined in this case, out of which not a single witness could be examined so far. He further submits that out of nine accused persons, seven accused persons are on bail and considering the period of his detention and considering the fact that nobody knows how long it will take to conclude the trial, he may be released on bail on any terms and conditions.

Learned counsel for the State vehemently opposed the prayer for bail contending that 86 gms. of Mephedrone were recovered from the joint possession of the petitioner as appearing in the seizure list and the said quantity is a commercial quantity in terms of the notification of Government of India dated 20th October, 2023.

He further submits that the prosecution has already collected chemical report to that extent and at this stage, if the petitioner is released on bail, there will be serious chance of his absconsion.

I have considered the submissions made by both the parties. In view of the facts and circumstances of the case and the materials available so far in the case diary and that the commercial quantity of narcotic substances was allegedly recovered from the joint possession of the petitioner, I find that rigour of Section 37 of the NDPS Act clearly attracts in the present case against the present petitioner and as such, the prayer for bail is rejected.

Accordingly, CRM (NDPS) 345 of 2025 is disposed of.

However, the Trial court is requested to expedite the trial and to make every endeavour to conclude the entire proceeding as early as possible preferably within a period of six months. However, if there would be no substantial progress in trial for which delay is not attributable to him, he will be at liberty to pray for renewal of his bail prayer.

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.)