

akb
Sl. 41
Ct.29
Rejected

In re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Entally Police Station Case No. 270 of 2023 dated 14.9.2023 under Sections 20(b)(ii)(c)/29 of the NDPS Act, 1985 corresponding to NDPS case no. 33 of 2023 which culminated into a charge-sheet being Charge-sheet no. 34 of 2024 dated 9.3.2024 under Sections 20(b)(ii)(c)/29 of the NDPS Act, 1985.

In re: **Mehtab Alam @ Aman** ... petitioner.

Mr. Joydeep Roy
Mr. S. Balial ...for the State

This is an application wherein the petitioner has prayed for bail contending that he is in custody for about one year seven months and only three witnesses have been examined so far out of eight witnesses and as such it will take long time to conclude the trial. He further submits that one of the co-accused was granted bail by a Division Bench of this court in CRM (NDPS) 945 of 2024 on the ground that there was no recovery of contraband substances from his possession. The petitioner is aged about only 19 years and considering his age also, he may be released on bail.

Learned counsel for the State opposed the bail prayer contending that one of the co-accused in the present proceeding from whom also the recovery was made, was rejected by this court on 24th July, 2024. He further submits that the trial is in progress and the evidence of witness no. 3 has already been recorded in part and the

evidence of the rest of the witnesses will be concluded within a span of next eight months. He further submits that total 64 kgs. 344 gms. of Ganja were recovered from the joint and conscious possession of three accused persons and petitioner is one of them.

Petitioner in reply, pointed out evidence of forensic expert, who has deposed as PW1 which according to him has totally demolished the prosecution case and as such, it cannot be said that there are reasonable ground for believing that the petitioner has committed offence under NDPS Act.

Having considered the facts and circumstances of the case and the materials available during investigation, I find that the rigor of Section 37 of the NDPS Act attracts in the present case and as such prayer for bail is considered and rejected.

The application, being CRM (NDPS) 353 of 2025 is disposed of.

The Trial Court is directed to make every endeavour for expeditious disposal of the trial and to conclude the entire proceeding preferably within a period of eight months from the next date of evidence.

(Dr. Ajoy Kumar Mukherjee, J.)