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C.R.M. (NDPS) 384 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Special case no. 09 of 2024 arising out of Baishnabnagar Police Station case no. 37 of 2024 dated 11.01.2024 under Sections 21(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Amirul Sk. @ Aminul @ Amirul Islam
@ Raju**

.... Petitioner

Mr. Tapodip Gupta

...for the Petitioner

Ms. Rituparna De Ghosh

Ms. Pallavi Priyadarshee

...for the State

Report submitted by the State is taken on record.

Learned counsel for the petitioner submits that 575 bottles of Phensedyle, 100 ml in each bottle were recovered from the joint possession of the petitioner. All the accused persons in the present case have already been granted bail from the Apex court in Special Leave to appeal no. 1280 of 2025. He further submits that the present accused is in custody from 11.1.2024 and the charge has not yet been framed and as such, nobody knows when the trial would be concluded and as such, he may be released on bail on any terms and conditions.

Learned counsel for the State vehemently opposes the prayer for bail contending that there are eight accused persons out of which two accused persons are still absconding. He further submits that the Hon'ble Apex Court

granted bail to an accused person namely, Azizur Sk. @ Abdul Ajj on the ground that the said accused person has no criminal antecedents but the present petitioner has criminal antecedents and to that extent, he is not on the same footing.

Having considered the submissions made on behalf of both the parties that the present petitioner is not on the same footing and the rigour of Section 37 of the NDPS Act attracts in the present case, the prayer for bail is rejected.

However, the Trial court is requested to expedite the trial and if required by making segregation and to make his best endeavour to conclude the entire proceeding as early as possible, preferably within a period of eighteen months from the next date of hearing. Keeping in mind that the right to speedy trial guaranteed under Article 21 of the Constitution of India, is a valuable right of the petitioner. In the event, if there would be no substantial progress of the trial within next eighteen months, the petitioner will be at liberty to renew his bail prayer. Petitioner is directed to communicate the order to the court below at the earliest.

Accordingly, CRM (NDPS) 384 of 2025 are disposed of.

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.)