

06.05.2025
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C.R.M. (NDPS) 385 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS case no. 46 of 2023 arising out of Chapra Police Station case no. 279 of 2023 dated 13.5.2023 under Sections 21(C)/29 of the NDPS Act, 1985.

And

In the matter of : **Azizul Sheikh @ Ajijul Sk. & Anr.**

.... Petitioners

Mr. Debabrata Roy

Ms. Karabi Roy

Mr. Soumik Mondal

Ms. Sarbani Mukhopadhyay

...for the Petitioners

Mr. Saryati Dutta

Ms. Poulami Bose

...for the State

It is submitted on behalf of the petitioner in **C.R.M. (NDPS) 385 of 2025** that he is in custody since 13.5.2023 and 996 bottles of phensedyl syrup are allegedly recovered from the possession of the five persons from two vehicles. He is almost in custody for about two years and that the prosecution so far examined only 19 witnesses out of 30 witnesses and as such, it will take long time to conclude the trial and in the touchstone of Article 21 of the Constitution of India, he may be released on bail on any terms and conditions.

Learned counsel for the State submits that the petitioners have criminal antecedents and the Hon'ble Supreme Court vide its order dated 25.11.2024 observed that 9 out of 30 witnesses have been examined by the prosecution

till that date and the Apex Court refused to interfere with the impugned order but directed that in the event, if there is no substantial progress in the trial within next four months or there is no change of circumstances, the petitioners shall be at liberty to renew his prayer for bail.

In this context, learned counsel for the State submits that since that date, 10 more witnesses have already been examined and within next one or two dates, they will be able to conclude the examination of rest witnesses. Accordingly, he submits that as per order of the Apex court, there appears to be substantial progress in trial and since the petitioner has criminal antecedents if he is released on bail, there is serious change of his absconsion.

Having considered the submissions made by both the parties and also considering the fact that since the last order passed by the Apex court there appears to be substantial progress in the trial and counsel for the state seeks short period for conclusion of trial, the prayer for bail is considered and rejected at this stage.

However, the Trial court is requested to conclude the entire proceeding as early as possible, preferably within a period of four months from the next date of hearing. In the event, if there would be no substantial progress of the trial within next four 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) 385 of 2025 are 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.)