

12.06.2025
Item no.33(DL)
Court No.29
srm
(Rejected)

C.R.M.(NDPS) 394 of 2025

In Re:- An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure) in connection with Gobardanga Police Station Case No.195/2024 dated 02.07.2024 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985;

And

In the matter of : **Swapan alias Moni Biswas**

.... Petitioner

Mr. Angsuman Chakraborty,
Mr. S.S, Saha

...for the Petitioner.

Mr. Bibaswan Bhattacharya,
Ms. Rajashree Tah

... for the State.

It is submitted on behalf of the petitioner that 5 ltr. of coedine mixture allegedly recovered from the possession of the present petitioner and he is in custody for about one year. He further submits that during search and seizure no videography was done though it is mandatory in terms of the judgment passed by this Court in the case of Kalu Sk. Decided on 22.06.2022. The petitioner further submits that grounds of arrest were not communicated to the petitioner at the time of arrest. He further submits that out of 14 witnesses only 3 witnesses have been examined so far and nobody knows how long it will take to conclude the entire trial and as such he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State opposed the bail prayer and contended that it is reflected in the case

diary that the entire process of search and seizure has video graphed and that prosecution have been examined 3 witnesses so far and they will examine the rest of the witnesses within a short span of time.

Having considered the submissions made by both the parties and that the rigour of Section 37 of the NDPS Act clearly attracts in the present case in respect of the present petitioner, the prayer for bail is considered and rejected.

Accordingly, CRM (NDPS) 394 of 2025 is disposed of.

However, the trial court is requested to expedite the trial and to make every endeavour to conclude the trial preferably within a period of six months. If there would be no substantial progress in trial for which delay would not be attributable to the petitioner, the petitioner will be at liberty to renew 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.)