

25.06.2025

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C.R.M. (NDPS) 462 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. 20 of 2023 arising out of New Township Police Station case no. 160 of 2023 dated 1.10.2023 under Sections 21(C)/25/29 of the NDPS Act, 1985.

And

In the matter of : **Durvesh Kumar**

.... Petitioner

Mr. Navanil De

Mr. Srijan Ghosh

...for the Petitioner

Mr. Joydeep Roy, Ld. Sr. Govt. Adv.

Ms. Madhumita Basak

...for the State

The petitioner was allegedly driving the truck wherefrom 4900 bottles of cough syrup containing codeine phosphate was recovered. Petitioner submits that he is in custody for about one year eight months. He further submits that though the charge was framed on 24th March, 2025 but out of 11 charge-sheeted witnesses, the prosecution could examine so far only 2 witnesses and nobody knows when the trial would be concluded and as such, he may be released on bail on the touchstone of the Article 21 of the Constitution of India.

Learned counsel for the State opposed the prayer for bail contending that huge quantity of narcotic substance was recovered from the possession of the present petitioner and rigour of Section 37 of the NDPS Act clearly attracts in the present case against the present petitioner and that the prosecution proposes to examine only 7 witnesses out of

which, two witnesses have already been examined and the trial would be concluded within next six to nine months and the next date is fixed on 27th June, 2025.

Having considered the submissions made on behalf of both the parties and the materials placed before me, I am convinced 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) 462 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 preferably within a period of nine months from the next date of hearing.

Petitioner will be at liberty to renew his bail prayer, if there would be no substantial progress in the trial during the said period.

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.)