

19.05.2025

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C.R.M. (NDPS) 486 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. 16 of 2024 arising out of Berhampore Police Station case no. 269 of 2024 dated 22.2.2024 under Sections 21(c)/25/27A/28 and 29 of the NDPS Act, 1985.

And

In the matter of : **Ashraf Hossain Chowdhury**

.... Petitioner

Mr. Sabir Ahmed

Mr. Sobhan Majumder

...for the Petitioner

Mr. Joydeep Roy, Sr. Adv.

Ms. Afreen Begum

...for the State

Mr. Roy, on behalf of the State submits that this is a renewal application of the bail prayer, which was earlier rejected by this court on 16th January, 2025, observing that during investigation, it has been ascertained that the sender of the parcel containing narcotic substances, is the present petitioner and in the petitioner's bank account, huge amount has been credited which involves money trailing of about 19.5 lakhs. Moreover, the petitioner has criminal antecedents and charge has already been framed and the prosecution is proposed to examine eleven witnesses.

In reply, Mr. Ahmed, learned counsel for the petitioner submits that he was in jail in connection with another case and as such, he has no control over the bank account but it is admitted position that nothing was recovered from his possession and only on the allegation of money trailing, he

has been detained in the custody since 19th June, 2024. He further submits that it will take long time to conclude the trial and as such, he may be released on bail on any terms and conditions.

Having considered the submissions made on behalf of both the parties, it appears that prima facie, incriminating materials are available against the petitioner in the case diary in support of reason to believe and that the petitioner has criminal antecedents and as such, the rigour of Section 37 of the NDPS Act clearly attracts in the present case. There appears to be also no change of circumstances since rejection of his bail prayer by this court on 16.01.2025.

Considering the aforesaid facts and circumstances of the case, the prayer for bail is rejected.

However, the Trial court is requested to expedite the trial and to make every endeavour to conclude the entire proceeding as early as possible, keeping it in mind that the right to speedy trial is a valuable fundamental right of the petitioner.

Accordingly, CRM (NDPS) 486 of 2025 is 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.)