

23.05.2025
Sl. no. 68
Ct. No. 29
P.M.

C.R.M. (NDPS) 494 OF 2025

In Re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliachak Police Station Case No. 430/2024 dated 07.04.2024 thereby rejecting the bail application of the petitioner under Sections 21(C)/25/27A/29 of the NDPS Act.

And

In the matter of : **Dipankar Mondal @ Bhola**

.... Petitioner

Ms. Aritra Bhattacharya,
Mr. Amit Halder

.... For the petitioner

Mr. Bibaswan Bhattacharya,
Mr. Bikram Mitra

... for the State

It is submitted on behalf of the petitioner that 299 gms. of brown sugar allegedly recovered from the possession of the petitioner and the petitioner is in custody since April 2024 and that there was no compliance of Section 50 of the NDPS Act and furthermore P.W. 2 and P.W. 3 failed to identify the present petitioner during examination and that prosecution has proposed to examine eight witnesses and so far they could examine only five and nobody knows when the entire trial would conclude and as such he may be granted bail on any terms and conditions.

Learned counsel appearing on behalf of the State opposed the bail prayer contending that the provision under Section 50 has been duly complied and from the two accused persons total

690 gms brown sugar recovered out of which 299 gms was recovered from the present petitioner and that trial is in progress and out of five witnesses so far examined, three have identified the present petitioner and it will not take much time to conclude the trial and as such he opposed the bail prayer.

Having heard the learned counsel appearing on behalf of the petitioner and the State and also in view of the materials placed before me it appears that the rigour of Section 37 attracts in the present case and as such prayer for bail is considered and rejected.

However, the Trial Court is requested to expedite the trial of the case and to conclude the same preferably within a period of eight months from the date of communication of this order.

Both parties are directed to communicate the order of this Court to the Trial Court.

CRM (NDPS) 494 of 2025 stands disposed of.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all usual requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)