

50. 25.06.2025
Court
No.29. (Pritam)
(Rejected)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 497 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Baruipur** Police Station Case No.**375/2024** dated **13.03.2024** under Sections **20(b)(ii)(C)/29** of the Narcotic Psychotropic Substance Act, 1985.

And

In the matter of: - **Sabir Hossain Molla @ Santu.**

.....petitioner.

Mr. Angshuman Chakraborty,
Mr. S.S. Saha,
Mr. Aniruddha Das,
Ms. Priyanka Gayen.

...for the petitioner.

Mr. Ranadeb Sengupta,
Mr. Ratul Ghosh.

....for the State.

It is submitted on behalf of the petitioner that the petitioner is in custody for about 15 months and the prosecution proposes to examine 16 witnesses out of which they could examine so far only 1 witness and nobody knows when the trial would be concluded and as such he may be released on bail on any terms and conditions only on the touchstone of Article 21 of the Constitution of India. He further submits that it transpires from the e-mail by which the prayer was made to the Executive Magistrate to be present at the time of recovery that the prosecution intercepted the vehicle containing narcotic

substance on the basis of source information but the evidence of PW-1 discloses that during naka checking, they noticed the four-wheeler and thereafter they intercepted the vehicle and allegedly made the seizure. Accordingly, it raises a suspicion about the genuineness of the seizure and the petitioner is entitled to get the benefit of doubt.

Learned advocate appearing on behalf of the State opposed the prayer for bail, contending that 64 kg. of *ganja* was recovered from the vehicle which was driven by the present petitioner. He further submits that the trial is in progress and it would be conclude within a short span of time and as such he opposed the bail prayer.

Having heard learned counsel on behalf of the petitioner and the State and that the rigour of Section 37 of the NDPS Act clearly attracts in the case in respect of the present petitioner, the prayer for bail is considered and rejected.

However, trial court is requested to make every endeavour for expeditious disposal of the trial and to conclude the same preferably within a period of 9 months from the next date of hearing.

The petitioner will be at liberty to renew his prayer for bail if no substantial progress of trial is found during the said period.

CRM (NDPS) 497 of 2025 is disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)