

05.08.2025
Item no. 25.
Ct. No. 29
Rejected
SR.

C.R.M. (NDPS) 506 of 2025

In Re:- An application for Bail under section 439 of the Code of Criminal Procedure, 1973/ under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No.14 of 2022 arising out of Raniganj Police Station Case No.293 of 2022 dated 20.05.2022 under Sections 20(b)(ii)(c)/25/29 of the NDPS Act, 1985.

In the matter of : ***Manoj Prasad***

.... Petitioner.

Mr. Uday Shankar Chattopadhyay

Ms. Sadia Parveen

Ms. Aishwarya Datta ...for the Petitioner

Mr. Antarikhya Basu

Ms. Debolina Das ... for the State.

The report submitted by the police is kept with the record.

Prosecution case is that while a vehicle was intercepted, 24.96 kgs. of Ganja was recovered from five accused persons, out of which one of the accused is the present petitioner.

It is argued by the petitioner that he was initially granted interim bail but thereafter his interim bail was not confirmed vide order dated 15th May, 2023 though he had regularly attended the Police Station in compliance with the interim bail order. He further submits that he voluntarily surrendered before the Court on 10th January, 2025 and he is in custody for about 206 days.

He further submits that though the charge has been framed but the prosecution evidence has not yet been started and, as such, nobody knows when the trial would be concluded and, therefore, he may be granted bail on any terms and conditions.

Learned counsel appearing on behalf of the State, Mr. Basu opposed the bail prayer contending that when the interim bail granted to the petitioner was cancelled vide order dated 15th May, 2023, the petitioner did not surrender but absconded for about one year ten months. He further submits that it reflects from the observation vide order dated 15th May, 2023 that the petitioner is not on the same footing with the other co-accused, namely, Montu Prasad. He further submits that two other accused persons are absconding and for which, though the charge was framed on 4th March, 2023 but the evidence on behalf of the prosecution could not be started. He also submits that the medical report dated 22nd July, 2025, as called for by this Court, discloses that the present petitioner is not suffering from Tuberculosis and his health condition is stable.

Having considered the submissions, it appears that two other accused persons are still absconding. The present petitioner was also absconding for a considerable period of time after releasing on interim bail. Therefore, the delay in trial is clearly attributable to the accused persons and considering the past conduct of the present

petitioner and that, he is not on the same footing with that of the other accused Montu Prasad, the prayer for bail is considered and rejected.

However, the trial court is directed to split the record, if required to expedite the trial and to come to a logical conclusion at the earliest keeping it in mind that the fundamental right of the petitioner for speedy trial is guaranteed under Article 21 of the Constitution of India.

Accordingly, CRM (NDPS) 506 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.)