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C.R.M. (NDPS) 507 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with T.R. case no. 23 of 2024 arising out of Shalimar GRPS case no. 65 of 2024 dated 28.10.2024 under Section 20(b)(ii)(C) of the NDPS Act, 1985.

And

In the matter of : **Ashish Kumar Saxena @ Ashis Saxena**
.... Petitioner

Mr. Joydeep Biswas
Mr. Ashok Das
Mr. Kaushik Ghosh
Ms. Hasi Jana

...for the Petitioner

Mr. Anand Keshari
Mr. Santanu Talukdar

...for the State

It is submitted on behalf of the petitioner that according to the prosecution case, 43.92 kgs. of Ganja were recovered from backpacks kept on luggage rack in coach no. C 4 and C 5 of an empty compartment at Santragachi Railway yard and the name of present petitioner transpired on the basis of statement made by an employee of a shop room who only stated that the bag where the narcotic substance was kept, might have been purchased from their shop room.

The petitioner was arrested merely on the basis of suspicion and he is in custody for about 135 days. He further submits that the bag allegedly containing narcotic substance, was not opened before any Gazetted Officer and that though charge-sheet has been submitted but the charge has not yet been framed against the accused person/petitioner and as such, nobody knows when the trial would be concluded and

as such, he may be released on bail on any terms and conditions.

Learned counsel for the State opposed the prayer for bail contending that during investigation, CCTV footage was collected and the present petitioner was identified as a traveler in the said compartment and one visiting card was also recovered which reveals the name of the petitioner. He further submits that the present petitioner has criminal antecedents and he is a resident of State of Bihar and if he is released on bail, there is serious chance of his abscondance.

I have considered the submissions made by both the parties and I have also gone through the materials collected during investigation including the statement of the witnesses, and prima facie, it appears to me that restrictions imposed in Section 37 of the NDPS Act clearly attracts in the present case against the present petitioner.

Thus, the prayer for bail is rejected.

Accordingly, CRM (NDPS) 507 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 as early as possible, keeping it in mind that the right to speedy trial is a valuable fundamental right of the petitioner.

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.)