

02.07.2025
Item no.27
Ct. No. 29
BD.

C.R.M. (NDPS) 509 of 2025

In Re:- An application for bail under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to section 439 of the Code of Criminal Procedure, 1973 in connection with NDPS Case No. 23 of 2024, S.T. No. 01 (01) 2025 arising out of Baruipur Police Station Case No. 1076 of 2024 dated 09.07.2024 under sections 21(c)/29 of the NDPS Act, 1985.

In the matter of : **Bimal Mondal** Petitioner.

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha ...for the Petitioner.

Mr. Anand Keshari
Ms. Sima Biswas ...for the State.

Learned counsel appearing on behalf of the petitioner submits that the contraband substance was allegedly recovered from the possession of co-accused Anup Samanta and nothing was recovered from the possession of the petitioner except one mobile phone. He has been falsely implicated with the present case. He is in custody for about one year and as per charge-sheet there are thirteen witnesses out of which, they could only examine one witness and nobody knows when the trial would be concluded and as such, he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State, submits that 2.524 Kgs. of codeine mixture was recovered from the joint possession of the present petitioner at the time when the vehicle was intercepted,

the petitioner was found as the pillion rider of the vehicle. He has direct involvement with the alleged offence. He further submits that prosecution proposes to examine eight witnesses out of which one witness have been examined so far and within a short period of time the other witnesses would be examined and as such, he opposed the prayer for bail.

Having heard learned counsel appearing on behalf of both the parties, and that rigour of section 37 of the NDPS Act, clearly attracts in respect of the present petitioner in this case, and as such, the prayer for bail is considered and rejected.

However, learned trial court is directed to expedite the trial and to make every endeavour to conclude the examination of witnesses preferably within a period of eight months from the next date of hearing. If the petitioner finds no substantial progress in trial during the aforesaid period for which the accused persons could not be blamed, the petitioner will be at liberty to renew his bail prayer.

CRM (NDPS) 509 of 2025 is accordingly disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)

