

16.07.2025  
Item no.40  
Ct. 29.

**C.R.M. (NDPS) 514 of 2025**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Budbud Police Station Case No. 22 of 2024 dated 04.03.2024 under section 21(ii)(c)/25/29 of the NDPS Act, 1985, arising out of NDPS Case No. 02 of 2024.

**BD.**

In the matter of : **Balvindra Singh** .... Petitioner.

Mr. Asraf Mandal  
Mr. Aranya Basu  
Md. Fahim Sayud ...for the Petitioner.

Mr. Dattatreya Dutta ... for the State.

It is submitted on behalf of the petitioner that 9300 bottles of phensedyl containing codeine phosphate was allegedly recovered from one Ankit Kumar and Dhiraj Yadav and nothing was recovered from the possession of the present petitioner. The petitioner only arranged for vehicle for Shivam but he was not concerned what Shivam did after taking the said vehicle from him. He further submits that he is in custody since 22<sup>nd</sup> July, 2024 and rigour of section 37 of the NDPS Act does not attract in respect of the present petitioner and as such he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State opposed the bail prayer contending that aforesaid Shivam and Atul they are the recipient of the narcotic substance and there were 177 phone calls in between the

present petitioner and the driver of the vehicle and the petitioner was shown as arrested as he was earlier arrested in connection with another Dhubulia Police Station Case No. 99 of 2024. He is a habitual offender and if he is released on bail there is serious chance of his abscondence. He further submits that prosecution proposes to examine eleven witnesses out of which examination of one witness have already been completed and it is expected that within a short span of time the trial would be concluded.

Having heard learned counsel appearing on behalf of both the parties and the materials placed before me, I find that rigour of section 37 of the NDPS Act, clearly attracts in respect of the present petitioner in this case, and that the trial is in progress and considering all these the prayer for bail is considered and rejected.

However, trial court is directed to expedite the trial keeping it in mind that right to speedy trial is a fundamental right guaranteed to the petitioner under Article 21 of the Constitution of India.

CRM (NDPS) 514 of 2025 is accordingly 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.)**

