

08.07.2025
Item no.48
Ct. No. 29
BD.

C.R.M. (NDPS) 549 of 2025

In Re:- An application for bail under section 439 of the Code of Criminal Procedure, 1973/section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Baishnabnagar Police Station Case No. 491 of 2021 dated 22.09.2021 under section 21(C)/29 of the NDPS Act, 1985, and Section 27A of the Drugs and Cosmetic Act.

In the matter of : **Anwar Hossain** Petitioner.

Mr. Arup Kumar Bhowmick ...for the Petitioner.

Mrs. Sreyashee Biswas
Mr. Rasjesh Jana ...for the State.

Petitioner's case is that he is in custody for about one year ten months and prosecution proposes to examine fourteen witnesses out of which they could examine so far only eight witnesses and nobody knows when the trial would be concluded and as such he prays for bail on any terms and conditions.

Learned counsel appearing on behalf of the State vehemently opposed the bail prayer contending that the petitioner is the owner of the vehicle which was carrying contraband substance. He further submits that the bail prayer of the petitioner was lastly rejected by this Court on 2nd January, 2025. Petitioner was carrying about 350 bottles of Phensedyl syrup containing codeine phosphate and finding police he ran away from the vehicle and absconded for about two years. He further submits that trial would be concluded within a short period of time

and at this stage, if he is released on bail there is serious chance of his further abscondence.

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

However, trial court is requested to expedite the trial and to make every endeavour to conclude the same preferably within a period of six months from the next date of hearing. If there be no substantial progress in the trial during the said period, the petitioner will be at liberty to renew his bail prayer.

CRM (NDPS) 549 of 2025 is accordingly disposed of.

Both parties are directed to communicate this order to the court below at once.

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.)

