

17.07.2025

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SR

Rejected

CRM (NDPS) 519 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS Case No. 91 of 2023 arising out of Gangarampur Police Station Case No. 538 of 2023 dated 24.11.2023 under Sections 21(c)/25/27A/29 of the NDPS Act, 1985.

And

In the matter of : **Pranab Saha @ Pronob Saha**
.... Petitioner

Mr. Ayan Bhattacharjee, Sr. Adv.

Mr. Arnab Saha

Mr. Pawan Kumar Gupta

Mr. A. Banerjee

...for the Petitioner

Mr. Suman De

Mr. Sharequal Haque

... for the State.

Petitioner's contention is that 30,300 bottles of cough syrups containing codeine phosphate was allegedly recovered from a truck where the petitioner was allegedly found as a customer and he is in custody for a period of one year seven months. He further submits that there is discrepancy in the seizure list and the statement recorded under Section 67 of the NDPS Act. In fact, the seizure dated 24.11.2023 is belied the seizure list dated 01.03.2024 and again it belied the statement made by the owner of the truck. He further submits that the prosecution case is that videography was done with the help of Sony Handycam but the certification made under Section 65B states that it was made with the help

of Samsung Galaxy S20 FE 5G android mobile phone. His further case is that the prosecution proposes to examine twenty five witnesses out of them they could complete examination of only twelve witnesses and it will take long time to conclude the trial and as such, he may be released on bail on any terms and conditions. In support of his bail prayer, he has relied upon a judgment of Apex Court in **Mukesh Yadav v. The State of Assam** being (Criminal Appeal No.1966 of 2025).

Learned counsel appearing on behalf of the State vehemently opposed the bail prayer contending that huge quantity of narcotic substance was recovered in the instant case and the petitioner was found on the spot. He further submits that whatever procedural discrepancy was there, as pointed out by learned counsel for the petitioner would be decided during trial but cannot be the subject matter for consideration of bail prayer in view of restrictions imposed in Section 37. He further submits that prosecution already completed examination of fourteen witnesses and lastly 2nd and 3rd June, 2025 were fixed for evidence when the Presiding Officer was on leave. However, the next date is fixed on 2nd, 4th and 5th August, 2025 for evidence of the rest witnesses and it is expected that the examination of remaining witnesses would be completed within a period of four months. It is further submitted that the bail prayer of a co-accused has been rejected by this Court recently.

I have considered the submissions made on behalf of both the parties.

In view of the nature and gravity of the allegation and that the trial is in progress and that the available materials discloses that rigour of Section 37 of the NDPS Act clearly attracts in respect of the present petitioner the prayer for bail is considered and rejected.

However, the learned Trial Court is directed to make every endeavour to conclude the trial preferably within a period of six months from the next date of hearing and whenever possible, he will be at liberty to conduct trial through electronic mode and furthermore in order to secure the attendance of witnesses, he will be at liberty to issue bailable warrant in appropriate cases. If the petitioner finds no substantial progress in the trial during the said period for which, the delay will not be attributable to the petitioner, he will be at liberty to renew his bail prayer.

Both the parties are directed to communicate this order of this Court to the Court below immediately.

Accordingly, CRM (NDPS) 519 of 2025 is rejected.

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.)