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C.R.M. (NDPS) 530 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with TR (NDPS) case no. 08 of 2024 arising out of Egra Police Station case no. 412 of 2024 dated 26.6.2024 under Sections 20(b)(ii)(c)/25/28/29 of the NDPS Act, 1985.

And

In the matter of : **Mahabur Mondal**

.... Petitioner

Mr. Amal Krishna Samanta

Mr. Subhas Jana

Ms. Mouha Patit

...for the Petitioner

Mr. Anand Keshari

Ms. Suchismita Dutta

...for the State

Learned counsel for the petitioner submits that 215.3 kg. of ganja was allegedly recovered from the joint possession of the five accused persons including the present petitioner. He further submits that three other accused persons were enlarged on default bail/statutory bail by this court. He further submits that the charge-sheet in this case was filed on 181st day i.e. on 23rd December, 2024. He further submits that since the charge-sheet was not submitted within the statutory period, he is entitled to be released on default bail/statutory bail. He further submits that he is in custody for about one year and since the charge sheet has already been submitted, no fruitful purpose will be served by detaining him in custody any further.

Learned counsel for the State opposed the bail prayer contending that 22nd December, 2024 was the 180th day within which the charge-sheet was not submitted but charge-

sheet was submitted in this case on 181st day i.e. on 23rd December, 2024. However, the present petitioner did not prefer any bail application before filing the charge-sheet by the Investigating agency on 23rd December, 2024. In such view of the matter, he is not entitled to released on statutory bail. He further submits that 19th July, 2025 is fixed for the next date of hearing for framing of charge and hopefully the trial will commence soon. In such circumstances, if the petitioner is released on bail, there is serious chance of his abscondance and the trial will be get delayed.

In view of Supreme Court judgment in **M. Ravindran Vs. The Intelligence Officer Directorate (AIR 2020 SC 5245)**, it is settled that where the accused fails to apply for default bail when the right accrues to him and subsequently a charge-sheet is filed, the right to default bail gets extinguished.

Having considered the submissions made by both the parties and that the petitioner failed to make any bail application before filing charge-sheet and that from the facts and circumstances of the case, it appears that rigour of Section 37 of the NDPS Act clearly attracts in the present case in respect of the present petitioner and as such, the prayer for bail is rejected.

However, the Trial court is requested to expedite the trial as expeditiously as possible, keeping it in mind that the valuable right to speedy trial has been guaranteed to the petitioner under Article 21 of the Constitution of India.

Accordingly, CRM (NDPS) 529 of 2025 is 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.)