

03.07.2025

44

sb

C.R.M. (NDPS) 548 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Kaliachak Police Station case no. 436 of 2022 dated 1.5.2022 under Sections 21(c)/25/29 of the NDPS Act, 1985.

And

In the matter of : **Achinta Mandal**

.... Petitioner

Mr. Arup Kumar Bhowmick

...for the Petitioner

Mr. Saryati Dutta

Mr. Asraf Mondal

...for the State

Petitioner submits that he is in custody for about 1 year and 10 months and 600 bottles of cough syrup containing codeine phosphate was allegedly recovered from a Toto which is allegedly owned by the petitioner. However, prosecution has nothing to show that petitioner was in conscious possession of the narcotic substance. He further submits that prosecution so far could examine only five witnesses out of 15 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.

Learned counsel for the State opposed the prayer for bail contending that this is the fourth bail application of the present petitioner. He is the owner of the vehicle from which the huge quantity of narcotic substance was recovered and the prosecution proposes to examine 11 witnesses out of which they have already examined 5 witnesses and the

examination of the rest witnesses will be concluded within a short span of time.

Having considered the submissions made on behalf of both the parties and that rigour of Section 37 of the NDPS Act clearly attracts in the present case against the present petitioner and as such, the prayer for bail is rejected.

Accordingly, CRM (NDPS) 548 of 2025 is disposed of.

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

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.)