

03.07.2025
Item no.46
Ct. No. 29
BD.

C.R.M. (NDPS) 550 of 2025

In Re:- An application for bail under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to section 439 of the Code of Criminal Procedure, 1973 in connection with ST 06 (03) 25, NDPS No. 15 of 2024 arising out of GRPS Police Station Case No. 77 of 2024 dated 14.05.2024 under section 20(b)(ii)(c)/29 of the NDPS Act, 1985.

In the matter of : ***Ashim Roy alias Asim Roy*** Petitioner.

Mr. Angshuman Chakraborty
Mr. S.S.Saha ...for the Petitioner.

Mr. Anand Keshri
Mr. Sourat Nandy ...for the State.

Petitioner's contention is that 20.39 Kgs. of ganja was allegedly recovered from the lady accused namely Swarasati Barman. Petitioner has been falsely implicated only on the ground that he was found talking with that lady accused on a busy public railway platform. The seizure list shows that only one mobile phone was recovered from the possession of the present petitioner. He further submits that notice under section 50 was not served upon the petitioner and he is in custody for about one year two months. He further submits that the charge has not yet been framed and the prosecution proposes to examine twenty-six witnesses and nobody knows when the trial would be concluded and considering the aforesaid facts and circumstances of the case he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State submits that the petitioner is FIR named and was arrested from the spot and was found to have conscious possession along with other accused persons, of the commercial quantity of narcotic substance. He further submits that the present petitioner is a habitual offender, and as such, if he is released on bail there is serious chance of committing similar type of offence by the petitioner.

Having heard learned counsel appearing on behalf of both the parties and on perusal of the materials available in the record and that the petitioner has criminal antecedent, I find that rigour of section 37 of the NDPS Act, clearly attracts in respect of the present petitioner in this case and as such, the prayer for bail is considered and rejected.

However, trial court is directed to expedite the trial and to make every endeavour to conclude the trial keeping in mind that the right to speedy trial of the petitioner is guaranteed under Article 21 of the Constitution of India.

CRM (NDPS) 550 of 2025 is accordingly 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.)