

01.07.2025
Item no.21
Ct. No. 29
BD.

C.R.M. (NDPS) 566 of 2025

In Re:- An application for bail under section 439 of the Code of Criminal Procedure, 1973 corresponding to under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 113 of 2023 arising out of Jalangi Police Station Case No. 348 of 2023 dated 20.10.2023 under section 20(b)(ii)(c)/29 of the NDPS Act, 1985.

In the matter of : ***Hachen Biswas @ Hasen Biswas*** Petitioner.

Mr. Arnab Chatterjee
Mr. Anisur Rahaman ...for the Petitioner.

Mr. Rudradipta Nandy
Mr. Dattatreya Dutta ...for the State.

It is submitted on behalf of the petitioner that according to prosecution case 23.36 Kgs. of ganja was recovered from the house of co-accused Musarof Biswas, who is on bail. He further submits that present petitioner is the father of the aforesaid co-accused Musarof Biswas, whose anticipatory bail prayer was rejected by this Court. The petitioner herein preferred a Special Leave Petition before the Hon'ble Supreme Court being Special Leave Petition (Criminal) Diary No. (s) 5319 of 2025 where the Special Leave Petition was rejected and liberty was given to the petitioner to surrender before the trial court vide order dated 06.03.2025. He further submits that eleven days thereafter on 17.3.2025 he surrendered before the Court below and since then he is in custody for about 105 days. He further submits that he has been

implicated in the case only on the basis of the statement of co-accused and that he is the father of the principal accused. He further submits that though charge-sheet has been submitted in this case but charge has not yet been framed and the next date is fixed for framing charge on 29th July, 2025.

In such circumstances, nobody knows when the trial would be concluded and he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State vehemently opposed the bail prayer contending that commercial quantity of narcotic substance was recovered from the house, which is owned by the present petitioner. Furthermore, the petitioner was declared as proclaimed offender and thereafter he surrendered before the court below. He further submits that during the period there were several phone calls in between the petitioner and the co-accused Musarof Biswas and the present petitioner's direct complicity with the dealing of said narcotic substance has been prima facie established during investigation. He further submits that it is true that co-accused Musarof Biswas obtained bail but said bail prayer was allowed relying upon the Judgment of **Idul Mia case (CRM (NDPS) 1359 of 2024)** reported in **(2024) SCC Online CAL 9109**, on the ground that the forensic report could not be placed along with the charge-sheet.

I have considered the submissions made by learned counsel appearing on behalf of both the parties. It appears from the facts and circumstances of the case 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 preferably within a period of eight months from the next date of hearing. However, if the petitioner finds no substantial progress in trial during the said period and the delay in trial is not attributable to the accused persons, he will be at liberty to renew his prayer for bail.

CRM (NDPS) 566 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.)