

29.07.2025
Item no.39
Ct. No. 29
BD.

C.R.M. (NDPS) 610 of 2025

In Re:- An application for bail under section 439 of the Code of Criminal Procedure, 1973 read with section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS No. 48 of 2024 arising out of Hogalberia Police Station Case No. 86 of 2024 dated 18.04.2024 under sections 20(b) of the NDPS Act, 1985.

In the matter of : **Anil Kumar Mandal @ Anil Mondal**
.... Petitioner.

Mr. Atis Kumar Biswas
Mrs. Jyoti Agarwal ... for the petitioner.

Mr. Madhusudan Sur
Ms. Puspita Saha ... for the State.

Petitioner submits that he is in custody for about 190 days and according to prosecution case 50 Kgs. of ganja was allegedly recovered from the bed room of the petitioner's son. It is further submitted that the trial has not yet been concluded and nobody knows when the trial would be concluded. Since the petitioner is in no way connected with the alleged offence he may be released on bail on any terms and conditions.

Mr. Sur, learned counsel appearing on behalf of the State vehemently opposed the bail prayer contending that petitioner is the owner of the house wherefrom 50 Kgs. of ganja was recovered and he further submits that according to prosecution case he fled away from the spot when the search and seizure was carried out. He further submits that prosecution have already been examined six witnesses and the next date is fixed in the first week

of November, 2025 for examination of the rest six witnesses. Accordingly, he submits that it is expected that the trial would be concluded shortly.

Having considered the submissions made on behalf of both the parties and on perusal of the materials placed before me, I find that rigour of Section 37 of the NDPS Act clearly attracts in respect of the present petitioner and as such the prayer for bail is considered and rejected.

However, learned trial court is directed to expedite the trial and to make every endeavour to conclude the same within a reasonable period of time from the next date, keeping it in mind that right to get speedy trial is petitioner's fundamental right guaranteed under Article 21 of the Constitution of India.

Both the parties are directed to communicate this order to the learned trial court at once.

CRM (NDPS) 610 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.)