

17.07.2025

33

SR

Rejected

CRM (NDPS) 604 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS Case No. 05 of 2024 arising out of Coke Oven Police Station Case No. 81 of 2024 dated 31.03.2024 under Sections 21(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Mohammad Sk @ Kalo & Anr.**

.... Petitioners

Ms. Benajir Hasna

Mr. Bibaswas Bhattacharya

Mr. Aliul Islam

Mr. Sadid Haider

...for the Petitioners

Mr. Avishek Sinha

Mr. Bikram Mitra

...for the State

Ms Hasna on behalf of petitioner contended that 520 grams of brown sugar was allegedly recovered from the joint possession of the present two petitioners and the petitioners are in custody for about one year three months seventy days. She further submits that investigation has already been culminated into a charge-sheet on 26th September, 2024 and the charge was framed on 5th November, 2024. Since then, twelve successive dates were fixed by the learned Trial Court but no witness had turned up. Prosecution proposes to examine eleven witnesses and as such nobody knows when the trial would be concluded. She further submits that the petitioners have no criminal antecedent and, as such, the petitioners may be released on bail on any terms and

conditions. In support of the petitioners' bail prayer, she has relied upon two judgments of the Apex Court in **Chitta Biswas @ Subhas v. State of West Bengal, 2020 SCC OnLine SC 1536** and **Nitish Adhikar @ Bapan v. State of West Bengal, 2022 SCC OnLine SC 2068**.

Learned counsel appearing on behalf of the State opposes the bail prayer contending that commercial quantity of narcotic substance was recovered from the possession of the petitioners and the result of FSL report received by the prosecution is positive. He further submits that it is true that on last twelve successive dates, witnessed did not turn up. However, it is expected that trial would be concluded within a short span of time for which, he seeks a direction upon the learned Trial Court for early conclusion of trial.

Having heard the learned counsel appearing on behalf of the petitioners and the State and that, the rigour of Section 37 of the NDPS Act clearly attracts in respect of the present petitioners, the prayer for bail is considered and rejected.

However, the learned Trial Court is requested to expedite the trial and if required, in order to secure the attendance of the witnesses, he will be at liberty to issueailable warrant and whenever possible the witnesses may be examined through electronic mode. He is further requested to make every endeavour to conclude the trial preferably within a period of ten months from the next date of hearing. If the petitioners find no substantial progress in trial during the said period, for which the delay would not be attributable to

the petitioners, the petitioners will be at liberty to renew their bail prayers.

Accordingly, CRM (NDPS) 604 of 2025 is rejected.

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.)