

22.7.2025

akb

Sl. 41

Ct.29

Rejected

CRM (NDPS) No. 625 of 2025

In re: An application for bail under Section 439 of the Criminal Procedure Code, 1973 (as amended upto date)/Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with the Dhubulia Police Station Case No. 286/2024 dated 03/08/2024 corresponding to Section 20(b)(ii)(c)/25/29 of the NDPS Act, 1985.

And

In re: Bhola Dafadar @ Josim ... petitioner

Mr. Achin Jana

Mr. Sourav Chakraborty

Mr. Prosenjit Ghosh

Mr. Bhaskar Dolui

Ms. Chetna Rustagi

...for the petitioner

Mr. Saryati Datta

Mr. Akash Ganguly

...for the State

Prosecution case is that 55.19 kgs. of Ganja was allegedly recovered from the three accused persons and the petitioner is in custody for about 353 days.

Learned Counsel appearing on behalf of the petitioner submits that though the charge sheet has already been submitted but the trial has not yet been started and the prosecution proposes to examine fifteen witnesses and nobody knows when the trial would be concluded and as such the petitioner may be enlarged on bail on any terms and conditions.

Learned Counsel appearing on behalf of the State submits that the bail prayer of a co-accused was rejected by this Court on 26th February, 2025 and the present petitioner is almost on the same footing and that the delay in trial is attributable to the accused persons since some of the accused persons are still absconding and as such he opposed the prayer for bail.

Having considered the submissions made on behalf of the petitioner and the State and that the rigour of Section 37 of the NDPS

Act clearly attracts in respect of the present petitioner and that delay in trial is attributable to the accused persons, the prayer for bail is considered and rejected.

However, the Trial Court is requested to make every endeavour for expeditious trial of the instant proceeding keeping it in mind that the valuable right to speedy trial has been guaranteed to the petitioner under Article 21 of the Constitution of India and for that the Court below will also be at liberty to split the case record, if required, for the trial of the present petitioner and also make every endeavour to conclude the proceeding preferably within a period of ten months from the next date of hearing. Both parties are directed to inform the Court below at once.

The application, being CRM (NDPS) 625 of 2025 is accordingly disposed of.

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.)