

17.07.2025

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C.R.M. (NDPS) 624 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. 85 of 2024 arising out of Haringhata Police Station case no. 491 of 2024 dated 18.9.2024 under Sections 21(c) of the NDPS Act, 1985.

And

In the matter of : **Kalo Shaikh**

.... Petitioner

Mr. Avik Ghatak

Ms. Arfeen Begum

...for the Petitioner

Mr. Anand Keshari

Mr. Abhinaba Mukherjee

...for the State

It is submitted on behalf of the petitioner that 360 bottles of cough syrup containing codeine phosphate and 178 pieces of tablets containing narcotic substance were allegedly recovered from the possession of the Sanjit Biswas. Mr. Ghatak on behalf of the petitioner submits that the prosecution case is that said Sanjit Biswas has taken the name of petitioner but the prosecution did not record statement of Sanjit Biswas under Section 67 of the NDPS Act during investigation. He further submits that while the investigating agency had gone to his house for search and seizure, nothing was recovered and as such, nil seizure list was prepared. He further submits that the prosecution proposes to examine 7 witnesses out of which they could examine so far only 3 witnesses and the next date if fixed on 21st August, 2025. He further submits that the petitioner is in custody for about 297 days and nobody knows when the trial

would be concluded and as such, he may be released on bail on any terms and conditions.

The petitioner in support of his contention, has relied upon the judgments in the case of (1) CRM(A) 2325 of 2022 (in Re: Mamun Shekh @ Mamud Mondal, (2) CRM (NDPS) 467 of 2022 (in Re: Nepal Dutta), (3) CRM (NDPS) 1891 of 2024 (In Re: Pranab Bar), (4) CRM (NDPS) 281 of 2025 (in Re: Samir Ghosh & Anr.), (5) CRM (NDPS) 117 of 2025 (in Re: Rejaul Karim).

Learned counsel for the State vehemently opposed the prayer for bail contending that the present petitioner made statement during investigation and following his statement, commercial quantity of narcotic substance was recovered from the hosue of the Co-accused Mangal Das and as such, the charge-sheet has been submitted under Section 29 of the NDPS Act against the present petitioner with the allegation that there was money trailing in between the petitioner and the co-accused persons. He further submits that the examination of 3 witnesses out of 7 witnesses have already been concluded and within a very short span of time, the prosecution will conclude the examination of rest of the witnesses.

Having considered the submissions made on behalf of both the parties and the materials available in the case diary and the report which has been placed before me, I find that rigour of Section 37 of the NDPS act prima facie attracts in

the present case in respect of the present petitioner and as such, the prayer for bail made by the petitioner is rejected.

However, the Trial court is requested to expedite the trial as expeditiously as possible, 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. Both the parties are directed to inform the court below.

Accordingly, CRM (NDPS) 624 of 2025 is 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.)