

23.07.2025
Item no.47
Ct. No. 29
BD.

C.R.M. (NDPS) 626 of 2025

In Re:- An application for bail under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Raniganj Police Station Case No. 345 of 2024 dated 08.11.2024 under sections 20(b)(ii)(c) of the NDPS Act, 1985 corresponding to NDPS Case No. 20 of 2024.

In the matter of : **Abhijit Sai @ Abijit Sai** Petitioner.

Mr. Kunal Ganguly
Mr. Kaustav Banerjee ...for the Petitioner.

Mrs. Sreyashee Biswas
Mr. Anindya Sundar Chatterjee ...for the State.

Prosecution case is that 185.250 Kgs. of ganja was recovered from the joint possession of the petitioner, who were found in the vehicle and the petitioner is in custody since 08.11.2024. Petitioner submits that charge-sheet is dated 31st March, 2025 but it appears that the Court accepted the charge-sheet only on 8th May, 2025 i.e., 182 days after arrest and which is beyond the statutory period. His further contention is that on 08.05.2025 before filing charge sheet he made a prayer for bail orally but the court below ignored his bail prayer and accepted the charge-sheet. Petitioner further submits that prosecution proposes to examine nine witnesses but the trial has not yet been started and as such nobody knows when the trial would be concluded. Accordingly, he prays for statutory bail.

Learned counsel appearing on behalf of the State, opposed the bail prayer contending that huge quantity of ganja was recovered from the joint possession of the petitioner and the rigour of section 37 of the NDPS Act, clearly attracts in respect of the present petitioner.

Having heard learned counsel appearing on behalf of both the parties, it appears from the order dated 8th May, 2025 passed by the trial court that trial court received the charge-sheet on that day and there is no recording that the petitioner has made any bail prayer before filing of the charge-sheet by the Investigating Officer. It further appears from the order dated 13th May, 2025 that accused persons were arrested on 08.11.2024 and the charge-sheet was submitted on 08.05.2025 i.e., 182 days after (including the date of production/remand order) arrest. However, at that time there was no bail prayer made by the accused persons.

In view of such unchallenged specific observation made by the trial court, that the petitioner did not make any bail prayer before filing of the charge-sheet by the prosecution, the petitioner is not entitled for statutory bail. It also appears that huge quantity of ganja was recovered from the joint possession of the petitioner and as such 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, learned trial court is directed to expedite the trial keeping it in mind that the right to speedy trial is a fundamental right of the petitioner guaranteed under Article 21 of the Constitution of India.

CRM (NDPS) 626 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.)