

22.7.2025

akb

Sl. 44

Ct.29

Rejected

CRM (NDPS) No. 629 of 2025

In re: An application for bail under Section 483 of the Bharatiya  
Nagarik Suraksha Sanhita, 2023 / under Section 439 of the Criminal  
Procedure Code, 1973 filed in connection with the Special Case No. 91  
of 2023 arising out of Baishnabnagar Police Station Case No. 648 of  
2023 dated 22.9.2023 under Section 21(c)/29 of the NDPS Act, 1985.

And

**In re: Md. Karimulla Sk @ Bapi Sk. ... petitioner**

Ms. Sabrina Khatun

...for the petitioner

Mr. Joydeep Roy

Ms. Pushpita Saha

...for the State

Prosecution case is that 311 gms. of brown sugar was recovered  
from the exclusive possession of the petitioner.

Learned Counsel appearing on behalf of the petitioner submits  
that the petitioner is in custody for one year and ten months and the  
charge has been framed on 27<sup>th</sup> January, 2025 and the prosecution  
proposes to examine twelve witnesses but for the last six months they  
could not examine a single witness and as such nobody knows when  
the trial would be concluded and as such he may be released on bail  
on any terms and conditions.

Learned Counsel appearing on behalf of the State opposed the  
bail prayer contending that the bail prayer of the present petitioner  
was lastly rejected by this Court on 13<sup>th</sup> January, 2025. He further  
submits that out of three accused persons, two were absconding and  
warrant of proclamation and warrant of attachment was issued  
against them and on the strength of warrant of proclamation and  
attachment the other accused was arrested on 13<sup>th</sup> April, 2025 and  
the third accused is still absconding. He further submits that the  
delay in trial is attributable to the accused persons and as per the  
instruction the record has already been splited and recording of

evidence will start shortly.

Having heard learned Counsel appearing on behalf of the petitioner and the State and the materials placed before this Court it discloses that the rigour of Section 37 of the NDPS Act attracts in the present case in respect of the present petitioner and that the delay in trial is attributable to the accused persons, the prayer for bail is considered and rejected.

However, the Trial Court is requested to expedite the trial and to make every endeavour to conclude the trial at the earliest preferably within a period of ten months from the next date of hearing. If the petitioner finds no substantial progress of trial during this period for which delay would not be attributable to the accused persons, he will be at liberty to renew his bail prayer. Both parties are directed to inform the Court below.

The application, being CRM (NDPS) 629 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.)***