

24.07.2025
Item no.56
Ct. No. 29
akb

C.R.M. (NDPS) 666 of 2025

In Re:- An application for bail under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure, 1973) in connection with NDPS Case No. 04 of 2023 arising out of Kaliachak Police Station Case No. 1439 of 2021 dated 27.12.2021 under section 21(C)/29 of the NDPS Act, 1985 read with Section 27A of the Drugs and Cosmetics Act.

In the matter of : **Masud Ali** Petitioner.

Mr. Tapan Datta Gupta
Mr. Parvej Anam ...for the Petitioner.

Mr. Koushik Kundu
Mr. Atanu Ghosh ...for the State.

Petitioner alleged that 150 bottles of cough syrup containing codeine phosphate was allegedly recovered from the possession of 13 accused persons and the prosecution submitted charge-sheet against all those 13 accused persons. The name of the present petitioner transpired from the co-accused statement and the petitioner is in custody for about 185 days. He further submits, all the co-accused persons are on bail 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 petitioner was absconded for about three years one month and after issuance of writ of proclamation and writ of attachment, the petitioner ultimately, surrendered before

the Court below, when de novo trial started, in connection with the present petitioner, at the stage when the trial for other co-accused persons reached at the stage of examination of accused persons under Section 313 Cr.P.C.

Having heard learned Counsel appearing on behalf of the petitioner and the State and also considering the previous conduct of the petitioner, and that, if released on bail there is serious chance of his abscondance the prayer for bail is rejected.

However, the court below is requested to conclude the de novo trial in respect of the present petitioner preferably within a period of three months from the next date of hearing. If the petitioner will not find any substantial progress in trial, during the said period, he will be at liberty to pray for renewal of his bail prayer.

CRM (NDPS) 666 of 2025 is accordingly disposed of.

Both the parties are directed to communicate this order to the Trial Court at once.

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.)

