

28.08.2025
37
Bd.
Ct.29
(Rejected)

C.R.M. (NDPS) 681 of 2025

In Re:- An application for Bail under section 439 of the Code of Criminal Procedure 1973 read with section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS Case No. 01 of 2024 arising out of Dankuni Police Station Case no. 396 of 2023 dated 23.12.2023 under Sections 21(c)/25/28/29 of the NDPS Act, 1985.

And

In the matter of : **Taslim and Anr. Petitioners.**

Mr. Joy Chakraborty

Mr. Sandip Dinda

...for the Petitioners

Mr. Antarikhya Basu

Mr. Abhinava Mukherjee

...for the State

Report submitted by the State dated 07.08.2025 is taken on record.

Learned counsel appearing on behalf of the petitioners submits that 27000 bottles of phensedyl containing codeine phosphate was allegedly recovered from the possession of the present petitioners. Petitioners were arrested on 23rd December, 2023 and they are in custody about one year eight months. The petitioners submit that they have no criminal antecedence. The prosecution proposes to examine 12 witnesses out of which they could examine so far only one witness. His further contention is that the main accused person who had ordered for the consignment, and the owner of the vehicle has not been made accused in the present case but only the petitioners, who are the driver and helper of the

vehicle are apprehended and as such, their further detention may not be required and they may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State opposed the bail prayer contending that prosecution so far completed examination of one witness and they proposes to examine five more witnesses and as such it will not take much time to conclude the trial and he further submits that the delay in trial is not attributable to the State.

Having heard learned counsel appearing on behalf of the petitioners and the State and that rigour of section 37 of the NDPS Act, clearly attracts in respect of the present petitioners, 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 preferably within a period of six months from the next date of hearing. If the petitioners find no substantial progress in the trial during the said period they will be at liberty to renew their bail prayer.

Both the parties are directed to communicate the order before the trial court at once.

Accordingly, CRM (NDPS) 681 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.)