

19.08.2025
42
Bd.
Ct.29

C.R.M. (NDPS) 691 of 2025

In Re:- An application for Bail under section 439 of the Code of Criminal Procedure 1973 and/or an application under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS No. 91 of 2024 arising out of Palashipara Police Station Case no. 480 of 2024 dated 29.09.2024 under Sections 21 (c) of the NDPS Act, 1985.

And

In the matter of : **Rosidul Mondal Petitioner.**

Mr. Soumik Ganguli
Mr. Sayan Mukherjee
Mr. Diptendu BANerjee
Ms. Pinki Sarkar ...for the Petitioner

Mr. Madhusudan Sur
Mr. Subhajit Chowdhury ...for the State

Report submitted by the State is taken on record.

Prosecution case is that 588 grams of heroine was recovered from the exclusive possession of the present petitioner. Petitioner submits that he is in custody for about ten months and prosecution proposes to examine nine witnesses as per charge-sheet and out of which they could examine only one witness so far. However, the said independent seizure witness namely P.W.1 has not supported the prosecution case and he even failed to identify the petitioner on dock. He further submits that the next date for trial is fixed on 24th to 26th September, 2025 and as such nobody knows when the trial would be concluded and 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 commercial quantity of narcotic substance was recovered from the exclusive possession of the present petitioner and there are other independent witness who are required to be examined by the prosecution and it is too early to say on the basis of the evidence of P.W.1 that the prosecution will not succeed in trial and he further submits that the charge has been framed on 19th May, 2025 and it is expected that the trial would be concluded within a short span of time.

Having heard learned counsel appearing on behalf of the petitioner and the State and that rigour of section 37 of the NDPS Act, clearly attracts in respect of the present petitioner, the prayer for bail is considered and rejected.

However, the trial court is requested to expedite the trial and come to a logical conclusion within a shortest possible time.

Both the parties are directed to communicate the order to Court below.

Accordingly, CRM (NDPS) 691 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.)