

30.07.2025

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**C.R.M. (NDPS) 699 of 2025**

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with N Case no. 04 of 2024 arising out of Swarupnagar Police Station case no. 19 of 2024 dated 15.01.2024 under Sections 21(c) of the NDPS Act, 1985.

And

In the matter of : **Rafikul Molla**

**.... Petitioner**

Mr. Mazhar Hossain

Ms. Sahin Sultana

...for the Petitioner

Mr. Arijit Ganguly

...for the State

The prosecution case is that 100 bottles of phensidyl syrup containing codeine phosphate was allegedly recovered from the exclusive possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner is in custody for about one year and six months. He further submits that the prosecution proposes to examine nine witnesses but till date, they could not examine a single witness though 11 dates and 4 schedules have already been fixed by the Trial court and the next date is fixed on 26<sup>th</sup> August, 2025. He further submits that the charge was framed on 10<sup>th</sup> February, 2025 and there is no certainty as to when the trial would be concluded and as such, he may be released on bail on any terms and conditions.

Learned counsel for the State opposed the prayer for bail contending that commercial quantity of contraband was recovered from the exclusive possession of the present

petitioner and the delay in trial is not attributable to the State, since the Presiding Officer was on leave on some occasions. However, he submits that it is expected that the trial would be concluded within a short span of time.

Having considered the submissions made on behalf of both the parties and that the rigour of Section 37 of the NDPS Act clearly attracts in respect of the present petitioner in the instant case, the prayer for bail made by the petitioner is rejected.

However, the Trial court is directed to make every endeavour for expeditious disposal of the case and to conclude the trial preferably within a period of nine months from the next date of hearing. If the petitioner finds no substantial progress in the trial during the said period for which, the delay would not be attributable to the accused person, he will be at liberty to pray for renewal of his bail prayer. Both the parties will communicate the order to the Trial court immediately.

Accordingly, CRM (NDPS) 699 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.)**