

01.07.2025
18
sb

C.R.M. (NDPS) 700 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS case no. 3 of 2024 arising out of Kulti Police Station case no. 120 of 2024 dated 20.3.2024 under Sections 20(b)(ii)(C)/25/29 of the NDPS Act, 1985.

And

In the matter of : **Md. Tanweer**

.... Petitioner

Mr. Ayan Basu
Mr. Sk. Salim
Mr. Sumit Routh

...for the Petitioner

Ms. Baisali Basu
Ms. Rituparna Saha

...for the State

It is submitted on behalf of the petitioner that on 20.3.2024, 25 kg. 560 gms. of Ganja was allegedly recovered from the joint possession of the petitioner and others. He further submits that the charge-sheet shows, no videography was done and 11 days after, the alleged recovery, samples were sent for CFSL examination violating the law. He further submits that all the seizure witnesses are police personnel and though the police recorded statement of two independent witnesses during investigation but they are not the seizure witnesses. He further submits that since the directions passed by a coordinate Bench of this Court in **Kalu Sk. Case, 2022 Live Law (Cal) 255** has not been followed, there appears to be serious doubt about the genuineness of the search and seizure and moreover, investigation has already been culminated into a charge-sheet and the petitioner is in

custody for about one year three months 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 charge has already been framed and the next date is fixed on 8th July, 2025 for evidence of charge-sheeted witnesses and that the bail prayer of the co-accused persons was rejected by this court on 10th February, 2025 and the present petitioner is almost on the same footing and that if he is released on bail, there is serious chance of his abscondance and for which, the trial might get delayed.

Having considered the submissions made on behalf of both the parties and the materials collected during investigation, it appears that there is involvement of commercial quantity of narcotic substance in respect of petitioner in the instant case. Keeping in mind, rigour of Section 37 of the NDPS Act which clearly attracts in the present case against the present petitioner, the prayer for bail is rejected.

Accordingly, CRM (NDPS) 700 of 2025 is disposed of.

However, the Trial court is requested to expedite the trial and to make every endeavour to conclude the entire proceeding preferably within a period of six months from the next date of hearing.

Petitioner will be at liberty to renew his bail prayer, if there would be no substantial progress in the trial during the said period, for which delay is not attributable to the accused persons.

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.)