

15.07.2025
30
sb

C.R.M. (NDPS) 719 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. 105 of 2021 arising out of Airport Police Station case no. 444 of 2021 dated 29.11.2021 under Sections 21(c)/28/29 of the NDPS Act, 1985.

And

In the matter of : **Jaber Ali Shaikh**

.... Petitioner

Mr. Sandipan Ganguly, Sr. Adv.

Mr. Sabir Ahmed

Mr. Abdul Aziz Mondal

...for the Petitioner

Ms. Anasuya Sinha, Ld. APP

Ms. Madhumita Basak

...for the State

Report submitted by the State is taken on record.

It is submitted on behalf of the petitioner that the petitioner is in custody for about three years and six months and as per charge-sheet, the prosecution is to examine 30 witnesses out of which they could so far concluded the examination of only five witnesses and it will take long time to conclude the trial. He further submits that on earlier occasion, this court while rejected the bail prayer on 5.12.2024, directed the Trial court to conclude the trial within six months but in spite of such specific direction, the trial could not be concluded. Accordingly, in the touchstone of Article 21 of the Constitution of India, he may be released on bail on any terms and conditions. In this context, he relied upon the judgment of the Supreme Court in the case of **Dhiraj**

Halder @ Santu @ Shantanu Vs. The State of West Bengal

in Special Leave to Appeal (Crl.) no. 5233 of 2025.

Learned counsel for the State opposed the prayer for bail contending that huge quantity of heroin was recovered from the vehicle of the Co-accused and the trial is in progress and the prosecution proposes to examine seven witnesses out of which the cross-examination of PW 6 was deferred on 4.7.2025 as the court had no time to conclude on that day. She further submits that beside this witness being PW 6, they will examine one more witness and they will be able to conclude the trial within a short span of time.

Having considered the submissions made on behalf of both the parties and that the trial is almost on the verge of completion and that huge quantity of narcotic substance is involved in the present proceeding, and also considering the restrictions imposed in section 37 of the NDPS Act, the prayer for bail made by the petitioner is rejected.

However, considering the fact that the petitioner is suffering long incarceration, the Trial court is directed to conclude the trial by the fourth week of September, 2025. In the event, the trial could not be concluded within the said period for which, the delay would not be attributable to the accused person, the petitioner will be at liberty to pray for renewal of his bail prayer. Both the parties will communicate the order to the Trial court at once.

Accordingly, CRM (NDPS) 719 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.)