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C.R.M. (NDPS) 756 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. 28 of 2022 arising out of Andal Police Station case no. 410 of 2022 dated 21.10.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Sudhir Pandey**

.... Petitioner

Mr. Ayan Basu

Ms. Sk. Salim

Mr. Sumit Routh

...for the Petitioner

Ms. Joydeep Roy, Ld. Sr. Govt. Adv.

Mr. Dattatreya Dutta

...for the State

It is submitted on behalf of the petitioner that the petitioner is in custody for about two years and eight months and his prayer for bail was earlier rejected by this court on 18th February, 2025. He further submits that this court while rejected the bail prayer of the petitioner on 18th February, 2025, was pleased to direct the Trial court to complete the examination of witnesses by the next date i.e. by 19.2.2025 and to conclude the trial within a period of two to three months. Since then, the trial has not yet been concluded and as such, he may be released on bail on any terms and conditions on the touchstone of Article 21 of the Constitution of India.

Learned counsel for the State opposed the prayer for bail contending that in compliance with the Hon'ble court's order dated 18.2.2025, the evidence of witnesses were

concluded by 21.2.2025 and prior to that, the defence counsel took time to cross examine the witnesses. He further submits that earlier when the case was fixed for examination under section 313 Cr.P.C., one of the accused persons could not be produced before the court and as such, the examination of the accused persons could not be completed. However, on 26th June, 2025, the examination of the accused persons under Section 313 of the Code, completed and the counsel for the accused persons verbally submitted that they want to adduce defence witness, though they have not made any written prayer to that extent as yet.

He further submits that during investigation, it also transpired that the vehicle from which the contraband was seized, contains tampered engine no. and tampered chesis no. He further submits that within a very short span of time, they will be able to conclude the trial. The delay in trial is not attributable to the State, so he opposed the bail prayer made by the petitioner.

Having considered the submissions made on behalf of both the parties and that huge quantity of contraband substance was recovered from the possession of the petitioner and that the trial is almost on the verge of completion, the prayer for bail made by the petitioner is rejected at this stage.

However, the Trial court is requested to make every endeavour to conclude the trial preferably within a period of two months from the next date of hearing. In the event, no substantial progress is noted in the trial during the said

period for which, the delay would not be attributable to the accused persons, the petitioner will be at liberty to renew his bail prayer. Both the parties are directed to communicate this order to the trial court immediately.

Accordingly, CRM (NDPS) 756 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.)