

16.07.2025
SL Nos.21-26
Court No.29
Rohan
(Rejected)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with T.R. Case No. 7 of 2022 arising out of Golabari Police Station Case No. 6 of 2022 dated 06.01.2022 under Sections 27(A)/28/29/30 and Adding Section 21(C) of the NDPS Act, 1985.

-And-

C.R.M.(NDPS) 613 of 2025

In the matter of: Irshad Khan @ Irshad @ Abdul Irshad Khan
...Petitioner

With

C.R.M.(NDPS) 615 of 2025

In the matter of: Md. Amir Hasan @ Ameer Hassan @ Ameer Hasan
...Petitioner

With

C.R.M.(NDPS) 617 of 2025

In the matter of: Sk. Rashid @ Rasu Bhai @ Rashid
...Petitioner

With

C.R.M.(NDPS) 667 of 2025

In the matter of: Babar Mondal @ Raju Bhai @ Khora
...Petitioner

With

C.R.M.(NDPS) 675 of 2025

In the matter of: Rahul Mondal
...Petitioner

With

C.R.M.(NDPS) 772 of 2025

In the matter of: Md. Alfas Khan

...Petitioner

Ms. Sabrina Parveen

... for the petitioners

Mr. Sk. Toslim Ali

...for the Petitioner
In CRM (NDPS) 772 of 2025

Mr. Debasish Roy, Ld. PP,
Mr. Rudradipta Nandy,
Ms. Poulami Bose.

...for the State

1. It is submitted on behalf of the petitioners that the petitioners are in custody for about 3 years 6 months and the prosecution proposes to examine 13 witnesses out of which, they could examine so far 9 witnesses and inspite of specific direction made by this Court on 3rd July, 2024 to conclude the trial within a period of one year, the prosecution failed to conclude the trial. He further submits that the petitioners are in custody for about 3 years 6 months and nobody knows when the trial would be concluded and as such, on the touchstone of Article 21 of the Constitution of India, they may be released on any terms and conditions.
2. Learned Public Prosecutor appearing on behalf of the State vehemently opposed the bail prayer contending that 15 kg of brown sugar was recovered from the possession of the three accused persons. He further submits that investigation discloses that they infact are engaged with manufacturing heroine and for that purpose, they have constructed a factory. He further submits

that the trial is in progress and within a short span of time, it would be concluded.

3. Learned Public Prosecutor further argued that since they are in conspiracy with each other in manufacturing and transporting heroine as revealed during investigation, if they are released on bail, there is serious chance of their abscondence.
4. Learned counsel appearing on behalf of Md. Alfas Khan submits that nothing was recovered from his possession and he has been falsely implicated with this case and he may also be released on bail on any terms and conditions.
5. Having heard learned counsel appearing on behalf of the petitioners and the State and also in view of the materials placed before me, it appears that sufficient *prima facie* incriminating materials have been collected during investigation against the present petitioners. The allegations against the petitioners are grave in nature. There is also allegation of conspiracy. Moreover, based on the leading statement of the accused persons, 13 kg of heroine was recovered. So far as the delay in trial is concerned, it appears on scrutiny of the Trial Court's order that the reason of delay is not attributable to the State.
6. Considering the fact that the rigour of Section 37 of the NDPS Act clearly attracts in respect of the present petitioners, the prayer for bail is considered and rejected.
7. However, considering the fact that the petitioners are suffering incarceration for a considerable period of time, the Trial Court is

directed to make every endeavour to conclude the trial within 31st December, 2025. If the petitioner finds no substantial progress in the trial during the said period for which the delay will not be attributable to the accused persons, the petitioners will be at liberty to renew their bail prayer.

8. Accordingly, **CRM (NDPS) 613 of 2025, CRM (NDPS) 615 of 2025, CRM (NDPS) 617 of 2025, CRM (NDPS) 667 of 2025, CRM (NDPS) 675 of 2025** and **CRM (NDPS) 772 of 2025** are **disposed of**.
9. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)