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C.R.M. (NDPS) 775 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. 41 of 2022 arising out of Nabagram Police Station case no. 32 of 2022 dated 01.02.2022 under Sections 21(c)/22/25/27A/28/29 of the NDPS Act, 1985.

And

In the matter of : **Asraf Ali @ Firoj**

.... Petitioner

Mr. Moyukh Mukherjee

Ms. Sagnika Banerjee

Ms. Aishwarya Bazaz

...for the Petitioner

Mr. Joydeep Roy

Ms. Arfeen Begum

...for the State

It is submitted on behalf of the petitioner that the petitioner is in custody for about 3 years and 5 months and in spite of specific direction made by this court on 18.10.2023 and also by the Supreme Court to conclude the trial within a time frame, the trial has not yet been concluded. Accordingly, on the touchstone of Article 21 of the Constitution of India, he may be released on bail on any terms and conditions.

Learned counsel for the State opposes the prayer for bail and submits that the petitioner has criminal antecedents and the petitioner was involved in manufacturing heroin and considering the gravity of the allegation, if he is released on bail, there is every chance of his abscondance. He further submits that the delay in trial is also attributable to the accused persons. However, the order reflects that the next date is fixed on 21st July, 2025 for further argument as the

court below has already heard the argument in part on 5.7.2025.

Having considered the submissions made on behalf of both the parties and that rigour of Section 37 of the NDPS Act clearly attracts in the present case in respect of the present petitioner and that the trial is almost on the verge of completion and also considering the fact that the petitioner has criminal antecedent and if released on bail, the likelihood of committing offence while on bail cannot be ruled out, the prayer for bail made by the petitioner is rejected.

However, the Trial court is directed to make every endeavour to conclude the trial as early as possible and to pronounce the judgment at the earliest. Both the parties will communicate the order to the Trial court immediately.

Accordingly, CRM (NDPS) 775 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.)