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C.R.M. (NDPS) 803 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection Kotwali Police Station case no. 478 of 2024 dated 04.05.2024 under Sections 21(c)/25/29 of the NDPS Act, 1985.

And

In the matter of : **Baban Dutta**

.... Petitioner

Mr. Joydeep Biswas
Mr. Amanul Islam
Mr. Sourav Mukherjee

...for the Petitioner

Ms. Faria Hossain
Mr. Debanshu Ghorai

...for the State

Learned counsel for the petitioner submits that the petitioner is in custody for about one year and three months. He further submits that according to the prosecution case, 1000 bottles of cough syrup was allegedly recovered from two private vehicles, the owner of which has already been granted bail. He further submits that the petitioner was making his journey by a truck as a passenger and nothing was recovered from his possession. He further submits that the witnesses who made their statement during investigation, have stated specifically that the contraband substance was recovered from two private vehicles and not from the truck. Accordingly, the petitioner may be released on bail on any terms and conditions.

Learned counsel for the State opposed the prayer for bail contending that the seizure list bears the signature of the

petitioner and that huge quantity of contraband was recovered and if there is any discrepancy in the seizure list or in the statement of the witnesses, it cannot be the subject matter for consideration of the bail prayer and that may be considered during trial.

Having considered the submissions made on behalf of both the parties and on perusal of the materials collected during investigation, I find that there are prima facie reasonable grounds for believing that the petitioner is guilty of the alleged offence and as such, the rigour of Section 37 of the NDPS Act clearly attracts in respect of the present petitioner in the instant case. Hence, the prayer for bail made by the petitioner is rejected.

However, the Trial court is requested to expedite the trial and to make every endeavour to conclude the trial as expeditiously as possible, keeping it in mind that the fundamental right to speedy trial has been guaranteed to the petitioner under Article 21 of the Constitution of India. Both the parties will communicate the order to the Trial court at once.

Accordingly, CRM (NDPS) 803 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.)