

10.09.2025
218.
Bd.
Ct.29
(Rejected)

C.R.M. (NDPS) 837 of 2025

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 filed in connection with N Case No. 15 of 2023 arising out of Basudebpur Police Station Case No. 139 of 2023 dated 30.08.2023 under Sections 21(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Suman Ghosh Petitioner.**

Mr. Souvik Mitter
Mr. Joy Chakraborty
Mr. Sandip Dinda

...for the Petitioner

Mr. Sanjay Banerjee
Mr. Arfeen Begum

...for the State

Prosecution case is that 450 gms. of heroine and 2655 gms. of dry brown colour powder like substance believed to be raw material along with other articles were seized from the possession of the present petitioner. However, chemical examination report against 450 gms. of heroine appears to be positive.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was arrested on 30th August, 2023 and since then he is in custody for about two years and ten days. His further contention is that in this case charge sheet was submitted on 21st February, 2024 and charge was framed on 28.05.2024. Thereafter the prosecution did nothing and as per charge sheet they propose to examine 14 witnesses. He further submits that this is renewal of his bail prayer and this Court while rejecting his bail prayer earlier on 13.02.2025 was

pleased to direct trial court to conclude the trial within a short period of time. However, the prosecution could examine so far only one witness and nobody knows when the trial would be concluded and also Court is lying vacant and as such he prays for bail on any terms and conditions.

Learned counsel appearing on behalf of the State opposed the bail prayer contending that the order dated 13.02.2025 reflects that prosecution proposes to examine only six witnesses and they have completed examination of PW 1 only. He further submits while prosecution took two days to complete Examination-in-Chief the accused took seven days to complete cross examination. He further submits that on last four dates the case was postponed as the Presiding Officer was on leave and the next date is fixed on 29th October, 2025 and 1st November, 2025.

He further submits that the petitioner was previously arrested twice once by NCB Calcutta and once by Lake Town Police Station for his involvement in NDPS cases. He further submits that he is part of an inter-state racket of organized crime syndicate which is much involved in smuggling of narcotic contraband from other states for their clients at different parts of West Bengal. If the petitioner gets bail it will encourage him to continue such type of illegal business of running heroine processing unit.

Learned counsel appearing on behalf of the petitioner in reply submits that the petitioner has been acquitted in

connection with the said Lake Town P.S. Case No. 229/2016 dated 09.12.2016.

Having heard learned counsel appearing on behalf of the petitioner and the State and that rigour of section 37 of the NDPS Act, clearly attracts in respect of the present petitioner and also considering the gravity of the allegations the prayer for bail made by the present petitioner is considered and rejected.

However, trial court or court in charge of the trial court is requested to expedite the trial and to conclude the same preferably within a period of six months from the next date of hearing.

If the petitioner does not find any substantial progress in trial during the said period for which the delay is not attributable to the petitioner, he will be at liberty to renew his bail prayer.

Both parties are directed to communicate this order to the learned court below at once.

Accordingly, CRM (NDPS) 837 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.)