

22.07.2025
Item no.17
Ct. No. 29
BD.

C.R.M. (NDPS) 864 of 2025

In Re:- An application for bail under section 439 of the Criminal Procedure Code, 1973 corresponding to under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 72 of 2023 arising out of Ranaghat Police Station Case No. 630 of 2023 dated 27.09.2023 under section 21(C)/25/28/29 of the NDPS Act, 1985.

In the matter of : ***Achintya Kumar Kirtania***
@ ***Achintya Kumar Kirtaniya*** Petitioner.

Mr. Soumya Basu Roy Chowdhury
Mr. Aminur Rahaman ...for the Petitioner.

Mr. Arnab Chatterjee
Mr. Saptarshi Chakraborty...for the State.

Prosecution case is that 5000 bottles of phenesedyl syrup containing codeine phosphate was recovered from a vehicle which was driving by the present petitioner. Petitioner submits that he is in custody for about one year ten months and though the charge was framed on 24th June, 2024 and the prosecution proposes to examine ten witnesses but they could examine so far only one witness in part and as such nobody knows when the trial would be concluded. Accordingly, he prays for bail on any terms and conditions only on the touchstone of Article 21 of the Constitution of India.

Learned counsel appearing on behalf of the State opposed the bail prayer and contended that the bail prayer of the present petitioner was lastly rejected on 25th February, 2025 by this Court when this Court was

of the view, since with the framing of charge trial commenced it does not permit the Court to arrive at a finding that there is a breach of Article 21 of the Constitution of India.

I have considered the submissions made on behalf of the petitioner and the State. The certified copy of the order sheet discloses that one witness was lastly examined on 21st February, 2025 and since then prosecution could not examine any further witnesses as submitted by the parties.

However, having considered the submissions made on behalf of the parties, the gravity of the allegation and allegation of illegal enrichment and that the trial has already been commenced and that rigour of section 37 of the NDPS Act, clearly attracts in respect of the present petitioner in this case, and as such, the prayer for bail is considered and rejected.

However, trial court is directed to make every endeavour to conclude the trial preferably within a period of six months from the date of communication of this order. If the petitioner finds no substantial development in trial, for which the cause of delay is not attributable to the petitioner the petitioner will be at liberty to renew his bail prayer.

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

CRM (NDPS) 864 of 2025 is accordingly disposed of.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)