

23.7.2025

akb

Sl. 29

Ct.29

Rejected

CRM (NDPS) No. 855 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with the NCB Crime No. 13/NCB/KOL/2022 dated April 08, 2022 under Section 8(C) read with Sections 20(b)(ii)(c)/25 arising out of NDPS Case No. 31 of 2022.

And

In re: Pratap @ Pratap Singh ... petitioner

Mr. Navneel De

Mr. Srinjan Ghosh

...for the petitioner

Mr. Arun Kumar Maity (Mohanty)

Mr. R.R. Mohanty

...for the State

It is submitted on behalf of the petitioner that the petitioner is in custody for about two years. He further submits that nothing was recovered from his possession and according to the prosecution case 851 kgs. 500 gms. of Ganja was recovered from one Nand Kumar Mehta, who has been granted bail by this Court on 21st March, 2025. He further submits that when said Nand Kumar was granted bail on 21.03.2025, prosecution submitted, that only one witness, out of eight witnesses, was examined till that date and the situation remain the same as on this date and the prosecution still required to examine seven more witnesses and as such it will take long time to conclude the trial and considering the petitioner's continuous period of detention for about two years, he may be released on bail on any terms and conditions mainly on the touchstone of Article 21 of the Constitution of India.

Learned Counsel appearing on behalf of the NCB raised vehement objection against the bail prayer made by the petitioner contending that huge quantity of Ganja was recovered from a truck by the BSF Personnel. CDRs shows frequent telephonic conversation

between the petitioner and co-accused, who is the owner of the truck and there is also the allegation of money trailing between the owner of the truck and the petitioner which has been detected during investigation. He further submits that the present petitioner has criminal antecedents and if he is released on bail there is serious chance of committing similar type of offence in future. He further submits that the petitioner is not with the similar footing with the truck driver, namely, Nand Kumar Mehta, against whom no criminal antecedent was found. He further submits that next date is fixed before the Trial Court is on 30th April, 2025 and it is expected that within a short span of time, the trial would be concluded.

Having considered the submissions made on behalf of the petitioner and the NCB and that the materials collected during investigation states that rigour of Section 37 of the NDPS Act clearly attracts in the present case in respect of the present petitioner, the prayer for bail is considered and rejected.

The application, being CRM (NDPS) 855 of 2025 is accordingly 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.)