

25.07.2025
25
Bd.

C.R.M. (NDPS) 904 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. 115 of 2024 arising out of Kaliganj Police Station case no. 1095 of 2024 dated 14.12.2024 under Sections 20(b)(ii)(c)/25/29 of the NDPS Act, 1985.

And

In the matter of : **Biraj Mondal & Ors.**

.... Petitioner

Mr. Debabrata Roy
Ms. Karabi Roy
Ms. Sarbani Mukhopadhyay
Mr. Soumik Mondal

...for the Petitioner

Mr. Anand Keshari
Ms. Chandreyi Dutta

...for the State

Learned counsel for the petitioners submits that the petitioners are in custody for about seven months and 12 days and nothing was recovered from their possession and as per seizure list, the contraband was recovered from the exclusive possession of three accused persons but not from the present petitioners and according to the prosecution case, a truck was chased and intercepted wherefrom 90.27 kgs. of ganja was allegedly recovered. He further submits that there appears to be discrepancy in measuring total weight of ganja allegedly seized from three sacks. Furthermore, no notice under Section 50 of the NDPS Act was served upon the petitioners and that Section 52 A of the NDPS Act has not been complied. Merely on the basis of suspicion that the truck was escorted by the present petitioners, they were arrested,

though they were never taken in police custody. However, investigation has already been culminated into a charge-sheet and as such, their further detention would not yield any fruitful result, so they 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 petitioners and that the petitioners were escorting the truck loaded with contraband and which was chasing and thereafter intercepted by the raiding team. He further submits that the investigating agency had duly complied Section 52A of the NDPS Act and materials in the case diary suggests that there are sufficient reason to believe that the petitioners are involved with the alleged offence.

Having considered the submissions made on behalf of both the parties and on perusal of the materials collected during investigation, it appears that rigour of Section 37 of the NDPS Act clearly attracts in respect of the present petitioners in the instant case and as such, the prayer for bail made by the petitioners 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 petitioners under Article 21 of the Constitution of India. Both the parties will communicate the order to the Trial court at once.

Accordingly, CRM (NDPS) 904 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.)