

02.09.2025
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Bd.
Ct.29
(Rejected)

C.R.M. (NDPS) 934 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 NDPS Case No. 74 of 2023 arising out of Gaighata Police Station Case no. 1029 of 2023 dated 19.10.2023 under Sections 21(c)/25/25A/27A/29 of the NDPS Act, 1985.

And

In the matter of : **Akash Biswas Petitioner.**

Mr. Joy Chakraborty
Mr. Sandip Dinda

...for the Petitioner

Mr. Joydeep Roy
Mr. Dattatreya Dutta

...for the State

Learned counsel appearing on behalf of the petitioner submits that on 19th October, 2023, 7.811 Kgs. of heroine was recovered from four persons from the house of one Kakali Roy. Thereafter the petitioner and his father were arrested. Thereafter 540 grams of heroine was recovered from the house of the father of the petitioner namely Bikash Biswas. He further submits that the present petitioner has been arrested and has been kept behind the bar for a long time only on the ground that electric meter in the said house stands in the name of the present petitioner and he is in custody for about one year ten months though he does not have any connection with the said business nor with the said house, which is owned by his father. He further submits that this is renewal of bail prayer and his earlier bail prayer was rejected by this

Court on 10.06.2024 wherein this Court directed the trial court to expedite the trial and to conclude the trial within a period of one year from the date of communication of the order. Said order was duly communicated to the court below on 04.06.2024. However, the prosecution could not conclude the trial as yet and according to charge-sheet prosecution is required to examine 29 witnesses and as such nobody knows when the trial would be concluded and considering his period of detention he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State vehemently opposed the bail prayer contending that the father of the petitioner in connivance with the present petitioner and other accused persons is running a heroine processing unit in the said house wherefrom the seizure was made. He further submits that the present petitioner has criminal antecedence and Special Task Force report discloses that huge quantity of Acetic Anhydride was recovered from the possession of the present petitioner and charge-sheet has already been submitted in connection with said case being STF PS Case No. 08/2021 dated 26.03.2021. He further submits that the prosecution only proposes to examine two more witnesses and it will not take much time to conclude the trial.

Having heard learned counsel appearing on behalf of the petitioner and the State and also in view of materials placed before me there are grounds for believing that petitioner has involvement with the alleged offence and that petitioner has

criminal antecedence and for which if released on bail there is likelihood to commit offence and for which he has failed to overcome the restrictions imposed under section 37 of the NDPS Act, and that trial is almost on the verge of completion and considering all these his prayer for bail is rejected.

Report submitted by the STF is taken on record.

Accordingly, CRM (NDPS) 934 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.)