

04.12.2025

Sl. No. ML459
Court No. 35

Asraf, A.R.(Ct.)

In the High Court at Calcutta
Criminal Miscellaneous Jurisdiction
Appellate Side

Case No.

CRM (NDPS) 935 of 2025

In Re : An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Balurghat Police Station case no. 658 of 2024 dated 16.08.2024 under Sections 21(c), 22(c), 23(c), 27A, 28 and 29 of the Narcotics Drugs and Psychotropic Substances Act, 1985.

-AND-

In the matter of :

MOHABAT MOLLA @ MAHABBAT MOLLA

.....*Petitioners*

For the Petitioners :

Mr. Kaushik Choudhury

...*Advocate*

For the State :

Mr. Antarikhiya Basu

Ms. Sreetama Das

...*Advocates*

1. Learned advocate appearing for the petitioner submits that 360 bottles of fairdyl were recovered from the possession of the petitioner. One of the accused is still absconding, as such, there is no scope for commencing of the trial and the petitioner is languishing in the jail for more than one year three months.
2. Learned advocate for the State has produced the case diary and opposes the prayer for bail and submits that it is the petitioner who is solely responsible for the concerned offence.

3. In the order dated 18.06.2025 passed by the learned Trial Court rejecting the prayer for bail of the present petitioner I find that against one of the accused case has already been filed, however, the execution of the process in respect of another accused who is absconding is still in force.
4. The learned Trial Court is requested to expedite the same process against the accused and the petitioner be released on bail after the stage of consideration of charges are over on such terms and conditions as the learned Special Court deems fit and proper for ensuring the presence of the accused / petitioner.
5. Accordingly, **CRM(NDPS) 935 of 2025 is disposed of.**
6. All parties shall act on the basis of server copy of this order duly downloaded from the official website of this Court.
7. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Tirthankar Ghosh, J.)