

26.9.2025

akb

Sl. 13

Ct.29

Rejected

CRM (NDPS) No. 943 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. 80 of 2023 arising out of Hanskhali Police Station Case No. 893 of 2023 dated 08.11.2023 under Section 21(C) of the NDPS Act, 1985.

And

In re: Laltu @ Enamul Biswas @ Imamul Biswas ... petitioner

Ms. Karabi Roy

...for the petitioner

Mr. Ranabir Roy Chowdhury

Ms. Debadrita Mondal

...for the State

Prosecution case is that while the petitioner was in custody in connection with Hanskhali Police Station Case No. 299 of 2023 under Section 302/34 of IPC read with Section 25/27 of the Arms Act, the petitioner was shown arrested in connection with the present proceeding and following his statement 50 bottles of cough syrup containing codeine phosphate was recovered from the conscious possession of the present petitioner.

Learned Counsel appearing on behalf of the petitioner submits that the petitioner is in custody for about 1 year and 11 months and the prosecution proposes to examine 18 witnesses out of which they could examine so far only 9 witnesses and as such nobody knows when the trial would be concluded and he may be released on bail on any terms and conditions.

Learned Counsel appearing on behalf of the State opposed the bail prayer contending that beside the present proceeding petitioner has two other criminal antecedents and if he is released on bail there is serious chance of committing similar type of offence by the petitioner and furthermore commercial quantity of contraband was

recovered from the conscious possession of the petitioner.

Having heard learned Counsel appearing on behalf of the petitioner and the State and that the petitioner has criminal antecedents and that there was recovery of commercial quantity of contraband following the statement of the petitioner, I find that the petitioner has failed to overcome the restrictions imposed under Section 37 of the NDPS Act, the prayer for bail made by the petitioner is considered and rejected.

However the Trial Court is requested to expedite the trial and to make every endeavour to conclude the Trial preferably within a period of six months from the next date of hearing.

The application, being CRM (NDPS) 943 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.)