

07.08.2025
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Rejected

C.R.M. (NDPS) 963 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with TR case no. 30 of 2023 arising out of GRPS Police Station case no. 98 of 2023 dated 30.08.2023 under Sections 21(b)/21(c)/22(c)/29 of the NDPS Act 1985.

And

In the matter of : **Mahesh Prasad Jaiswal**

.... Petitioner

Mr. Toslim Ali

Ms. Rituparna Bhadra

...for the Petitioner

Mr. Saryati Dutta

Ms. Arfeen Begum

...for the State

The prosecution case is that 86 gms. of mephedronl was recovered from the joint possession of the present petitioner and one lady accused.

Learned counsel for the petitioner submits that the said lady accused has already obtained bail from the Apex court in special leave to appeal (Crl). Nos. 7247 of 2025. He further submits that he is almost on the same footing with that of the lady accused and he is in custody for about two years. He further submits that this High Court granted bail to two other co-accused persons namely, Rahul Dutta and Ricky Dutta and challenging the said order, the State moved before the Supreme Court but the Supreme Court dismissed the appeal which is preferred by the State.

He further submits that the prosecution proposes to examine 12 witnesses out of which they could examine so far

only one witness in part and it will take long time to conclude the trial and as such, he may be released on bail on any terms and conditions.

Learned counsel for the State opposed the prayer for bail contending that the present petitioner is not on the same footing with that of the lady accused. He further submits that the bail prayer of the petitioner was allowed by the Apex court perhaps upon consideration that she had given birth of a new born baby, through it has not been reflected in the order. He further submits that following the statement of the present petitioner, seven other accused persons were arrested and from them, the commercial quantity of narcotic substance was recovered. Therefore he is not on the same footing. He further submits that it will not take much time to conclude the trial and if at this stage, he is released on bail, there is serious chance of his abscondance.

Having considered the submissions made on behalf of both the parties and that prosecution case is that present petitioner is not on the same footing with that of the lady accused and that the petitioner fails to overcome the restrictions imposed under Section 37 of the NDPS Act, the prayer for bail made by the petitioner is rejected.

However, the Trial court is requested to expedite the trial and to make every endeavour to conclude the trial at an earliest possible date. Both the parties will communicate the order to the Trial court immediately.

Accordingly, CRM (NDPS) 963 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.)