

28.08.2025
31
Bd.
Ct.29
(Rejected)

C.R.M. (NDPS) 965 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 N 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 : **Tapan Mondal Petitioner.**

Mr. Angshuman Chakraborty

Mr. S.S. Saha

...for the Petitioner

Mr. Joydeep Roy

Mr. Dattatreya Dutta

...for the State

Learned counsel appearing on behalf of the petitioner submits that bail prayer of a co-accused was rejected on 10.06.2024 in CRM (NDPS) 849 of 2024 wherein this Court directed the trial court to conclude the trial preferably within a period of one year from the date of communication of the order. He further submits that the order was communicated to the trial court on 14th June, 2024 since then more than one year have already been passed but the prosecution failed to conclude the trial. He further submits that as per charge-sheet prosecution is required to examine 34 witnesses out of which they could complete examination of only 10 witnesses and the evidence of 11th prosecution witness is going on. Accordingly, nobody knows when the trial would be concluded and considering his period of detention which is for more than

one year ten months, 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 petitioner along with co accused was running heroine processing unit and from their joint possession 7.811 Kgs. of heroine along with other substance raw materials were recovered. He further submits that the charge-sheet in this case was submitted on 10th April, 2024 and the charge was framed on 6th June, 2024. He further submits that the evidence of PW-11 is going on and the next date is fixed on 2nd September, 2025 and the prosecution only wants to examine two more witnesses thereafter, and as such, it is expected that the trial would be concluded within a short span of time.

Having heard learned counsel appearing on behalf of the petitioner and the State and also considering the gravity of allegations and that the petitioner has failed to overcome the restrictions imposed under section 37 of the NDPS Act, prayer for bail 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 three months from the next date of hearing. If the petitioner does not find any substantial progress in the trial during the said period for which delay in trial is not attributable to the accused, he will be at liberty to renew his bail prayer.

Both the parties are directed to communicate the order before the trial court at once.

Accordingly, CRM (NDPS) 965 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.)