

11.09.2025
231.
Bd.
Ct.29
(Rejected)

C.R.M. (NDPS) 1088 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. 46 of 2023 arising out of Chapra Police Station Case No. 279 of 2023 dated 13.05.2023 under Sections 21(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Amitava Biswas @ Rajesh Petitioner.**

Mr. Sandip Dinda ...for the Petitioner

Mrs. Amita Gaur
Mr. Dipankar Mahata ...for the State

It is submitted on behalf of the petitioner that nothing was recovered from his possession and the recovery was made from four accused persons who have already obtained bail from this Court. He further submits that the petitioner is in custody for about two years three months twenty three days. He further submits that prosecution proposes to examine thirty witnesses and the petitioner has no criminal antecedence at present and he is acquitted from another NDPS Case being NDPS Case No. 12 of 2023 by the Special Judge, Krishnagar. He further submits that considering his period of detention 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 this is renewal application made by the petitioner and his earlier bail application was rejected by this Court in CRM (NDPS) 375 of

2025 wherein this Court requested the trial court to conclude the entire proceedings as early as possible preferably within a period of four months from the next date of hearing. These four months have not yet been expired and the next date is fixed before the trial court on 26th September, 2025. He further submits that in the meantime the petitioner has also preferred Special Leave to Appeal (Crl.) Nos. 9142 of 2025 and the Apex Court rejected his bail prayer on 14.07.2025.

Learned counsel appearing for the prosecution further submits that they have already examined twenty eight witnesses and they are required 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 that order dated 06.05.2025 passed by this Court records the direction upon the trial court to make every endeavour to conclude the trial within four months from the next date of hearing which has not yet been expired and there is nothing to say that prosecution has caused delay in concluding the case and that trial is almost on the verge of completion and considering all these the prayer for bail made by the present petitioner is rejected.

Accordingly, CRM (NDPS) 1088 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.)