

18.12.2025

Item No. M/L. 668

Ct.No.35

dc.

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (NDPS) 1332 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Raiganj Police Station Case No. 1243 of 2024 dated 11.12.2024 under Sections 21(c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : **Sunil Sah**

... Petitioner.

Mr. Abhimanyu Banerjee,
Mr. Arnab Saha

... For the Petitioner.

Mr. Madhusudan Sur, APP,
Ms. Snigdha Saha

... For the State.

Learned advocate appearing for the petitioner submits that the petitioner has been arraigned for alleged recovery of 1.019 kgs. of brown sugar and is in custody since 11.12.2024 i.e. which is for more than a year. The investigation of the case has already been concluded and charge-sheet has been submitted. It has been contended that there was no videography done of the seizure of the contraband as at the relevant point of time, the videography was stalled and rest of the process was done by mobile phone. As such, petitioner prays for bail on any stringent condition.

Learned advocate appearing for the State, on the other hand, opposes the prayer for bail and produces the case

diary. According to the State, there are materials in the case diary relating to videography and charge-sheet also incorporates the same. Evidence of the case is in progress. As such, at this stage, release of the petitioner would jeopardize the trial of the case.

I have taken into account the submissions of the learned advocates appearing for the petitioner and the State and on assessment of the same, I am of the view that if there is issue relating to videography, the same is a question of fact as witness action has already commenced. Consequently, at this stage, this Court restricts itself from commenting on the same. At this stage, I am not inclined to release the petitioner on bail. As such, the prayer for bail of the petitioner is **rejected**.

However, the learned Trial Court is directed to ensure that seizure list witnesses in connection with the instant case be examined on priority, preferably within a period of sixty days from the next date so fixed by the learned Trial Court.

Petitioner would be at liberty to renew his prayer for bail after the evidence of seizure list witnesses is over.

The application for bail, being CRM (NDPS) 1332 of 2025, is, thus, disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)