

08.12.2025

Court No.35.

D/L. 9.

Kausik

(Rejected)

CRM (NDPS) 1563 of 2025

In Re: An Application for Bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023/ Section 439 of the Code of
Criminal Procedure, 1973 in connection with Domjur Police
Station Case No. 547 of 2023 dated 03.08.2023 under section
20(b)(ii)(c) of the NDPS Act;

And

In the matter of : Bapan Sk.

.....Petitioner.

Mr. Ashok Das

Ms. Ayana Dey

Ms. Hasi Jana

.....for the Petitioner.

Mr. Suman De

Mr. Mirza Firoj Ahmed Begg

.....for the State.

Learned advocate appearing for the petitioner submits
that the petitioner is in custody for 2 years and 4 months and
there was recovery of 164 Kgs. of Ganja from the joint
possession of petitioner and another. So far as the other
accused person is concerned, he has already been granted bail
and the petitioner's bail was earlier rejected on the ground that
there were antecedents.

Learned advocate for the State opposes the prayer for
bail and submits that out of the 8 witnesses proposed to be
examined, 1 witness has already been examined and the
examination of another witnesses is in progress.

The manner in which the trial is progressing is without any inertia on the part of the prosecution to proceed and progress with the case. The prosecution by this time must understand that when an accused is in custody there must be an urge in bringing the witnesses in Court and thereafter conclude evidence of those witnesses. For indefinite period, no individual can be kept behind the bars.

The DIG, Special, CID, West Bengal will monitor the investigation of the case and ensure the witnesses are present on the date fixed by the learned Special Court. Preference may be given to the seizure list witnesses.

Petitioner would be at liberty to approach this court after the examination of the seizure list witnesses are over.

At this stage, CRM (NDPS) 1563 of 2025 is dismissed.

All parties shall act in terms of server copy of the order 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.)