

08.12.2025
Court No.35.
D/L. 18
Rakib
(Allowed)

CRM (NDPS) 1580 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Naihati Police Station case no. 348 of 2021 dated 21.08.2021 under Sections 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : Prakash Chowdhury.

.....Petitioner.

Mr. Soumya Banerjee

Ms. Sucheta Banerjee

.....for the Petitioner.

Mr. Joydeep Roy, Jr. Govt. Adv,

Mr. Amanul Islam

.....for the State.

Learned advocate appearing for the petitioner submits that the petitioner was arrested on or about 21.08.2021 and since then he is in custody for more than four years. Till date no witness has been examined by the prosecution out of the nine witnesses proposed to be examined.

Learned advocate for the State opposes the prayer for bail and submit that there are antecedents of the petitioner. Learned advocate further submits that 1 kg and 600 grams of codeine mixture was recovered in the present case.

If there are antecedents, it is duty of the prosecution also to bring evidence and prove the case against the accused person. For indefinite period an accused cannot be detained in custody without a single witness being examined in the present

case. Accordingly, the prayer for bail of the petitioner is allowed.

As such, petitioner namely, **Prakash Chowdhury** is released on bail on such terms and conditions as the learned Special Judge (NDPS Act), Barrackpore, North 24 Parganas deems fit and proper for ensuring the presence of the present petitioner before this Court.

Accordingly, CRM (NDPS) No. 1580 of 2025 is **allowed**.

Report submitted by the State be kept with the record.

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.)