

24.02.2025

DL-52

Court No.26

CRM (NDPS) 1977 of 2024

*(Bail **Rejected**)*

(AD)

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 in connection with NDPS Case No.35 of 2022 dated 08-09-2022 arising out of **NCB Crime No.20 of 2022** under Sections **8(c)/15(c)/18(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985, presently pending before the Court of the Learned Additional District & Sessions Judge, (Spl. NDPS Court, Bench 1), City Sessions, Calcutta.

-And-

In the matter of : Krishna Kumar Mishra @ Lallu Mishra
... ...Petitioner

Mr. Pawan Kumar Gupta, Advocate

Ms. Sofia Nesar, Advocate

Mr. Santanu Sett, Advocate

... ... For the Petitioner

Mr. Anirban Mitra, Advocate

Mr. Sagar Saha, Advocate

... ...For the NCB

1. Report submitted in Court be taken on record.
2. Petitioner prays for bail on the ground of delay of trial as also on the ground of co-accuseds being granted bail by the Coordinate Bench.
3. Learned Advocate appearing for the Narcotic Control Bureau submits that, co-accuseds who were enlarged on bail were granted such facility since below the commercial quantity of narcotics were seized from those co-accuseds. He points out that, out of seven prosecution witnesses, one was examined.
4. Petitioner is in custody for two years five months. Out of seven prosecution witnesses, one stands examined. From the

possession of the petitioner, commercial quantity of narcotics was seized. Petitioner does not stand on the same footing as that of the co-accuseds who were enlarged on bail by the Coordinate Bench since from such co-accuseds below the commercial quantity of narcotics were seized.

5. Plea of delay of trial, given the period of custody and the fact that there are only seven prosecution witnesses out of which one stands examined, does not impress us at this stage.
6. Petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.
7. In such circumstances, we are not inclined to grant bail to the petitioner.
8. Accordingly, the prayer for bail of the petitioner is **rejected**.
9. **CRM (NDPS) 1977 of 2024** is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)