

29.10.2025

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Ct no. 3

Rejected

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

C.R.M. (NDPS) 317 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS case no. 67 of 2024 arising out of Bhaktinagar Police Station case no. 1012 of 2024 dated 30.10.2024 under Sections 21(c)/22(c) of the NDPS Act 1985.

And

In the matter of : **Tufan Roy**

.... Petitioner

Mr. Sourav Lohani

...for the Petitioner

Mr. Ujjwal Luksom

Mr. Biswarup Roy

...for the State

Prosecution case is that 27 bottles of cough syrup containing codeine phosphate was recovered from the possession of the present petitioner.

Learned counsel for the petitioner submits that the petitioner is in custody for about one year since 30th October, 2024 and the charge has also been framed in this case on 1st July, 2025 but the prosecution has failed to bring witnesses and the next date is fixed on 20th November, 2025. He further submits that at the time of arrest, there was non-compliance of the provision laid down under Article 22 (1) of the Constitution of India. Accordingly, his further detention will not yield any fruitful result and he may be released on bail on any terms and conditions.

Learned counsel for the State opposed the prayer for bail contending that commercial quantity of narcotic substance was recovered from the possession of the present petitioner. He further submits that the trial has already commenced and it will not take much time to conclude the trial.

Having considered the submissions made on behalf of both the parties and on perusal of the available materials, I find that the petitioner has failed to overcome the rigour of Section 37 of the NDPS Act in the instant case and as such, the prayer for bail made by the petitioner is rejected.

However, the Trial court is requested to expedite the trial keeping it in mind, that the petitioner's valuable fundamental right to the speedy trial has been guaranteed under Article 21 of the Constitution of India. Therefore, the court below is requested to make his best efforts to conclude the trial preferably within a period of one year from the next date of hearing.

If the petitioner finds no substantial progress in trial during the said period for which, the delay will not be attributable to the petitioner, he will be at liberty to pray for renewal of his bail prayer. Both the parties will communicate the order to the Trial court immediately.

Accordingly, CRM (NDPS) 317 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.)