

27.10.2025

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Bd.

Rejected

Ct.3

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

C.R.M. (NDPS) 373 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Phansidewa Police Station Case no. 454 of 2024 dated 15.11.2024 under Sections 20(b)(ii)(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Arnab Mandal**

.... Petitioner

Mr. Subham Ghosh

Mr. Mayank Roy

...for the Petitioner

Mr. Aditi Shankar Chakraborty

Mr. Sourav Ganguly

...for the State

Prosecution case is that 23.417 Kgs. of ganja was recovered from the conscious possession of the present petitioner.

Learned counsel appearing on behalf of the petitioner submits that the contraband was allegedly recovered from the dickey of a public vehicle and as such it cannot be said that the petitioner was in actual possession or was in conscious possession of the contraband. He further submits that memo of arrest is a table work which is apparent from the fact that FIR indicates the name of the two seizure witnesses but it does not say as to who has witnessed the arrest. Admittedly there was no recovery from the physical possession of the present petitioner and the petitioner is in custody for about 346 days. He further submits that the charge-sheet in this

case was submitted on 23rd April, 2025 but till date charge has not yet been framed and as such it is uncertain as to when the trial would commence. In support of his bail prayer he relied upon a Judgment of this High Court passed in CRM (NDPS) 126 of 2025.

Mr. Ganguli, Learned counsel for the State opposed the bail prayer contending that commercial quantity of contraband was recovered from the public vehicle on the basis of the statement made by the petitioner and as shown by him, as reflected in the FIR. He further submits that though the petitioner has taken another ground that the information of arrest was not duly communicated to the accused in violation of Article 22 of the Constitution of India but this does not find support for granting bail in favour of the petitioner. He further submits that the trial would commence shortly.

Having considered the submissions made on behalf of both the parties and that commercial quantity of narcotics substance was recovered from the conscious possession of the petitioner as reflected in the FIR, I find that the petitioner has failed to overcome the rigours mentioned in Section 37 of the NDPS Act.

In such view of the matter, the prayer for bail made by the petitioner stands rejected.

However, trial court is requested to expedite the trial and to make every endeavour to frame charge within two months from the next date of hearing and to conclude the trial preferably within a period of ten months thereafter.

If the petitioner finds no substantial progress in trial during the said period for which petitioner would not be held responsible he will be at liberty to renew his bail prayer.

Both the parties are directed to communicate the order before the court below at once.

Accordingly, CRM (NDPS) 373 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.)