

27.10.2025

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Bd.

Rejected

Ct.3

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

C.R.M. (NDPS) 374 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Reang Police Station Case no. 14 of 2025 dated 05.03.2025 under Sections 22(C)/29 of the NDPS Act, 1985.

And

In the matter of : **Krishna Prasad @ Bhola**

.... Petitioner

Mr. Sourav Ganguly

Mr. Gopal Roy

Ms. Rishita Chakraborty

...for the Petitioner

Mr. Kallol Acharjee

Mr. Tapan Bhattacharya

...for the State

Mr. Ganguly, learned counsel appearing on behalf of the petitioner submits that the alleged contraband articles were found in a red colour poly bag kept in the middle side behind the driver's seat in between the accused Arjun Thakur and the present petitioner and as such the petitioner was totally ignorant about the said narcotic substance and he has been falsely implicated. He further submits that bail prayer of the co-accused Abhinash Kumar Gupta @ Abhinash Gupta was allowed by this Court in CRM (NDPS) 193 of 2025. His further contention is that the petitioner is a driver of a commercial vehicle and the charge-sheet does not speak of a single line about the conscious possession of the petitioner. The petitioner is in custody for about 236 days and though the investigation ended in a charge-sheet on 29th June, 2025 but

prosecution could not bring any witness as yet for examination in support of their contention. Accordingly he prays for bail on any terms and conditions.

Petitioner in support of his contention has relied upon a judgment of the Apex Court in **Criminal Appeal No. 1221 of 2017** in the case of **Sri Shankar Dongarisaheb Bhosale -vs- The State of Karnataka** and one judgment of **Himachal Pradesh High Court** reported in **2025 SCC Online HP 3011**, which was passed placing reliance upon the aforesaid Supreme Court judgment.

Mr. Acharjee, learned counsel appearing on behalf of the State opposed the bail prayer contending that 12 bottles of cough syrup containing codeine phosphate and 72 strips of Dye Dicyclomine Hydrochloride tablets containing commercial quantity of 385 grams of narcotic substance was recovered from the conscious possession of the petitioner. He further submits that the next date fixed for evidence of the prosecution witness is on 1st November, 2025 and the prosecution has proposed to examine only 12 witnesses which is expected to be completed within a short span of time.

After hearing submissions made by both the parties I am constrained to say that Section 37 practically places a reverse onus on the accused and the same can be categorized as a distinct condition from ordinary bail law.

Having considered the submissions and also in view of the materials placed before me, I find that the petitioner has

failed to overcome the rigour of Section 37 of the NDPS Act, and as such prayer for bail made by the petitioner is rejected.

However, trial court is requested to expedite the trial since the petitioner is in custody and to make every endeavour to conclude the trial preferably within a period of one year from the next date of the order.

If the petitioner finds no substantial progress in trial during the said period, for which the delay would not be attributable to the petitioner 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) 374 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.)