

28.10.2025

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Bd.

Rejected

Ct.3

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

C.R.M. (NDPS) 397 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. 111 of 2025 dated 06.03.2025 under Sections 20(b)(ii)(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Budhyadeb Barman**

.... Petitioner

Mr. Sourav Ganguly
Ms. Rishita Chakraborty
Mr. Bibek Tarafdar
Mr. Gopal Roy

...for the Petitioner

Mr. Abhijit Sarkar
Dr. Arjun Chowdhury
Mr. Ujjal Luksom

...for the State

Prosecution case is that 26 Kgs. of Ganja was recovered from the joint possession of the two accused persons including the present petitioner. It is submitted on behalf of the petitioner that the investigation has been culminated in a charge-sheet on 22nd August, 2025 but no copy has yet been served upon the petitioner nor the charge has yet been framed and nobody knows when the trial would commence and when it would be concluded and as such considering the petitioner's detention period he may be released on bail on any terms and conditions.

Learned counsel for the State raised strong objection against the bail prayer contending that the recovery in the instant case involves commercial quantity and the petitioner was found to be in conscious possession of the narcotic substance and the charge-sheet has been submitted few

months back and it would not take much time to conclude the trial since the prosecution proposes to examine 17 witnesses.

Having heard learned counsel appearing on behalf of both the parties and considering 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 stands rejected.

However, trial court is requested to expedite the trial keeping in mind the petitioner's valuable fundamental right of speedy trial and to make all endeavours to conclude the trial preferably within a period of 14 months from the next date of hearing.

If the petitioner finds no substantial progress in trial during the said period for which the delay would not be attributable to the accused persons the petitioner 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) 397 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.)