

31.10.2025

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Bd.

Rejected

Ct.3

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

C.R.M. (NDPS) 452 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with CR (NDPS) Case no. 18 of 2025 order dated 28.08.2025 arising out of Pradhannagar Police Station Case No. 64 of 2025 dated 28.01.2025 under Sections 20(b)(ii)(c) of the NDPS Act, 1985.

And

In the matter of : **Tapa Roy**

.... Petitioner.

Mr. Rajesh Kumar
Mr. Janardan Periwal

...for the Petitioner

Mr. Nilay Chakraborty
Dr. Arjun Chowdhury

...for the State

Prosecution case is that 20.850 Kgs. of ganja was recovered from the exclusive possession of the present petitioner and the present petitioner is in custody for about 276 days.

Learned counsel for the petitioner submits that the petitioner has suffered long incarceration and investigation of this case has already been culminated in a charge-sheet on 12.06.2025 and the prosecution is required to examine 17 witnesses and the copies have not yet been supplied to the petitioner and trial has also not been started. Therefore, it is uncertain as to when the trial would commence and would conclude. He further submits that it transpires from column no. 2(c) of the Memo of Arrest that it is lying blank and as

such it is apparent that police has not complied the constitutional mandate and considering all these he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State opposed the bail prayer contending that commercial quantity of narcotic substance was recovered from the possession of the present petitioner and that it is expected that trial would commence shortly.

In reply to petitioner's contention learned Additional Public Prosecutor, further submits that Ground no. 2(c) of the Memo of Arrest relates to intimation of arrest and detention to the friends and relatives of the accused. Petitioner never raised this issue earlier. Moreover, the recovery was made from his exclusive possession and as such it can never be said that the petitioner was not aware about the grounds of his arrest and therefore he vehemently opposed the bail prayer.

Having heard learned counsel appearing on behalf of both the parties and in view of materials placed before me, I find that the petitioner has failed to overcome the restrictions imposed in Section 37 of the NDPS Act, and as such the prayer for bail made by the petitioner stands rejected.

However, trial court is requested to make every endeavour for early conclusion of trial keeping it in mind that the petitioner's valuable fundamental right of speedy trial is guaranteed under Article 21 of the Constitution of India.

Accordingly, CRM (NDPS) 452 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.)