27.10.2026
Court No.08.
D/L. 42.
M.D./S.M.
(Rejected)

CRM (NDPS) 2358 of 2026

In Re: An Application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with N 133/2024 arising out of NCB Crime No.21/NCB/KOL/2024 dated 13.12.2024 complaint regarding the commission of offence punishable under sections 21(c)/29 of the NDPS Act for violation of prohibition imposed under Section 8 (c) of the NDPS Act.
And

In the matter of : Md. Shah Alam

.....Petitioner.

Mr. Angshuman Chakrborty,
Mr. S.S. Saha

.....for the Petitioner.

Mr. Uttam Basak

.....for the NCB.

Learned advocate appearing for the petitioner submits that in spite of a direction passed by this Court on 11th June, 2026 in CRM(NDPS) 1134 of 2026, the same has not been complied with. As such, the petitioner be released on bail. It has also been informed to this Court that the order of the Trial Court dated 11.06.2026 was informed to the learned Special Court on 19th of June, 2026.

State has submitted a report. Report reflects that after a communication was made, witnesses were present regularly except on one occasion i.e. 07.08.2026, the accused Sanjay Das represented by advocate. On 10.08.2026 witnesses were present but copy has not been supplied to the accused Sanjay Das. As such, prayer for time was granted. On 11.08.2026 and 05.09.2026, P.W.1 was completely examined in chief by the prosecution and cross-examination was deferred on the prayer of the accused.

Cross-examination continued on 07.09.2026, 22.09.2026 and on 23.09.2026. Time was prayed for on behalf of the accused persons.

On 12.10.2026, P.W.2 was not available because of the official assignment and the next date has been fixed by the Special Court on 19th November, 2026 and 20th November, 2026.

Having considered that the learned Special Court was conscious regarding the direction and has put in efforts, the whole responsibility also cannot be attributed to the prosecution.

In view of on certain dates, accommodation was sought for on behalf of the accused persons, I am of the view that the prayer as moulded by the accused person as it is the fault of the prosecution or the Court, as such cannot be considered to be perfect/correct set of circumstances.

In view of the aforesaid, the prayer for bail of the petitioner in CRM (NDPS) 2358 of 2026 is **dismissed** at this stage.

Report submitted by the NCB be kept with the record.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)