8.10.2026
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SB
Ct no. 5
Rejected

Calcutta High Court
In the Circuit Bench at Jalpaiguri

C.R.M. (NDPS) 540 of 2026

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS case no. 39 of 2025 arising out of Tufanganj Police Station case no. 29 of 2025 18.1.2025 under Section 21(c) of the NDPS Act 1985.

And

In the matter of : **Ashadul Mandal @ Asadul @ Pocha**
.... Petitioner

Dr. Arjun Chowdhury
Ms. Sunayana Parveen
Ms. Riya Agarwala ...for the Petitioner

Mr. Janardan Periwal
Mr. Urgen Lama
Mr. Nigam Mittal ...for the State

The prosecution case is that 50 bottles of cough syrup containing codeine phosphate was recovered from the conscious possession of the present petitioner and the petitioner is in custody for about 621 days.

Learned counsel for the petitioner in support of his bail prayer submits that the prosecution proposes to examine eight witnesses. However, both the independent witnesses have turned hostile during trial. He further submits that the ground of arrest was never communicated to the petitioner nor any videography of alleged seizure was done, which are mandatory provision of law. Therefore, further detention of the present petitioner would not yield any fruitful result and as

such, he may be released on bail on any terms and conditions.

Learned counsel for the State opposed the bail prayer and contended that out of eight witnesses, five witnesses have already been examined and the next date is fixed on 9th October, 2026 for examination of the CSW-6. Therefore, it will not take much time to conclude the trial but if the petitioner is released on bail at this stage, there is likelihood of evading trial by the petitioner, which will ultimately protract the disposal of the case.

Having heard learned counsel for the petitioner and the State and that the rigours of Section 37 of the NDPS Act clearly attract in respect of the present petitioner, the prayer for bail is considered and rejected.

However, the Trial court is directed to expedite the trial considering the fact that the petitioner is in custody for a considerable period of time and to make his best endeavour to conclude the trial and to deliver judgment preferably within a period of three months from the next date of hearing, without granting any unnecessary adjournment to either of the parties.

If the petitioner does not find any substantial progress in trial during the aforesaid period, for which, the cause of delay would not be attributable to the petitioner, he will be at liberty to renew his bail prayer after the expiry of the aforesaid period.

Accordingly, CRM (NDPS) 540 of 2026 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.)