7.10.2026
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SB
Ct no. 5
Rejected

Calcutta High Court
In the Circuit Bench at Jalpaiguri

C.R.M. (NDPS) 597 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. 10 of 2025 arising out of NCB Crime no. 01/NCB/SLG/2025 dated 9.2.2025 under Section 8(c) read with 20(b)(ii)(c)/25 of the NDPS Act 1985.

And

In the matter of : **Prasenjit Biswas**

.... Petitioner

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

Mr. Sudipto Kr. Mazumder, Ld. DSGI
Mr. Sudip Kr. Paul ...for the State

The allegation against the present petitioner is that 120 kgs. of Ganja was recovered from the exclusive possession of the present petitioner.

Learned counsel for the petitioner submits that he is in custody for about 605 days. The prosecution proposes to examine seven witnesses out of which only evidence of PW-1 has been recorded and the recording of evidence of PW-2 has been done in part. He further submits that from the deposition of PW-1, it is clear that search and seizure were not made in accordance with law and the provision laid down in Sections 41 and 42 of the NDPS Act has been flouted as has been admitted by the PW-1 in his evidence and therefore,

inevitably the petitioner will be acquitted. In such circumstances, 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.

Petitioner in support of his contention has relied upon a judgment of this court in **Arun Mondal Vs. State of West Bengal** reported in **2024 SCC Online Cal 2729** and one judgment of the Apex Court in the case of **Rajadurai Vs. State of Tamil Nadu [Petition for special leave to appeal (crl.) no. 4729 of 2026].**

Learned counsel for the State opposed the bail prayer.

Having heard learned counsel for the petitioner and the State, it appears from the seizure list that 120 kg. of narcotic substances i.e. “Ganja” was allegedly recovered from the possession of the present petitioner. Therefore, the rigours of Section 37 of the NDPS Act clearly attracts so far as the present petitioner is concerned. Thus, the prayer for bail is considered and rejected.

However, considering long incarceration suffered by the petitioner, the Trial court is directed to expedite the trial and to make his best endeavour to conclude the trial by examining rest of the witnesses, preferably within a period of six 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 cannot be attributed to the petitioner, he will be at liberty to renew his bail prayer after the expiry of the aforesaid period.

Accordingly, CRM (NDPS) 597 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.)