5.10.2026
18
SB
Ct no. 5
Rejected

Calcutta High Court
In the Circuit Bench at Jalpaiguri

C.R.M. (NDPS) 606 of 2026

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Special NDPS case no. 16 of 2024 arising out of Pedong Police Station case no. 15 of 2024 dated 21.9.2024 under Sections 22(c)/29 of the NDPS Act 1985.

And

In the matter of : **Sahil Rai**

.... Petitioner

Mr. Ujjwal Luksom
Mr. Sandipan Das ...for the Petitioner

Mr. Avrojyoti Das, Ld. APP
Ms. Suman Sehanabis
Mr. Tapas Prasad ...for the State

Learned counsel for the petitioner in support of his bail prayer contended that in this case, the charge-sheet was submitted against him on 10.3.2025 and the charge has been framed on 9.10.2025. He further submits that other co-accused has already obtained bail from the court below on the ground of violation of Article 22(1) of the Constitution of India. The present petitioner is almost on the same footing and therefore, he may be released on bail as he is suffering incarceration since 21.9.2024.

Learned counsel for the State opposed the bail prayer contending that it was not brought to the notice of the Trial court that the bail prayer of the present petitioner was

rejected by this court on 17.3.2026, where this petitioner had taken similar plea. It is further contended that the principle laid down in the case of **Mihir Rajesh Shah Vs. State of Maharashtra & Anr.** has become applicable on and from 6.11.2025 whereas the petitioner was arrested on 21.9.2024. He further submits that eight witnesses have already been examined and the next date is fixed on 8.10.2026 and therefore, it is expected that within a short span of time, examination of rest witnesses would be concluded.

Having heard learned counsel for the petitioner and the State, it appears that the bail prayer of the present petitioner was rejected on 17.3.2026, where the similar bail prayer was made by the petitioner taking the ground that memo of arrest does not disclose that the ground of arrest was communicated to the petitioner.

Having heard learned counsel for the petitioner and the State and that the rigour under Section 37 of the NDPS Act clearly attracts in respect of the present petitioner and that the trial is in progress and eight witnesses have already been examined and it is expected that the trial would be concluded within a short span of time, the prayer for bail is considered and rejected.

However, the Trial court is directed to expedite the trial and to make his best endeavour to conclude the trial 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) 606 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.)