

**CRM (NDPS) 804 of 2024**

**In re:** An application for bail under Section 439 of the Code of Criminal Procedure in connection with **New Township Police Station** Case No. **160 of 2023** dated **01.10.2023** under Sections **21(c)/25/29** of the NDPS Act.

- A n d -

**In the matter of : Bikash @ Vikash Kumar Gupta**

.... Petitioner.

Mrs. Minoti Gomes,  
Mr. Sayan Dev Kumar,  
Ms. Sayeed Khan,

... For the Petitioner.

Mr. B. Bhattacharyya,  
Mr. Arani Bhattacharyya,

... For the State.

The petitioner was initially arrested in connection with Durgapur Police Station Case No. 506 of 2023 dated October 2, 2023 for having committed alleged offence under Sections 21(c)/25/27 of the NDPS Act. When he was in custody, he was shown arrested in connection with the present case being New Township Police Station Case No. 160 of 2023 dated October 1, 2023 under the same provisions of the NDPS Act.

In so far as the Durgapur Police Station case is concerned, the petitioner was granted bail by a coordinate Bench by an order dated April 26, 2024, passed in CRM (NDPS) 718 of 2024. The Coordinate Bench granted bail on the basis that the material on record was scanty.

The petitioner now prays for bail in respect of the New Township Police Station case.

Learned Advocate for the State strongly opposes the prayer for bail. He produces the case diary wherefrom we find that the petitioner's mobile phone was seized and sufficient incriminating material have been recovered from the mobile phone including pictures of the truck in which the contraband items were being carried. Pictures of the phensedyl bottles in question have also been recovered from the mobile phone of the petitioner. In view of the aforesaid and there *prima facie* being adequate incriminating material against the petitioner and keeping in mind the restrictions in Section 37 of the NDPS Act, we are not inclined to entertain the petitioner's prayer for bail at this stage.

CRM (NDPS) 804 of 2024 is, thus, dismissed.

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

**( Apurba Sinha Ray, J. )**

**( Arijit Banerjee, J. )**