

38. 13.02.2025
Court
No.29 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 42 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of: - **ATAUR RAHAMAN**

...petitioner.

Mr. Tapan Kr. Dutta Gupta
Mr. Parvej Anam
Ms. Rituparna Ghosh
Mr. Sourav Sardar

...for the petitioner.

Ms. Anasuya Sinha, APP

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he stands on a better footing than the accused persons who were granted bail by a co-ordinate Bench of this Court by an order dated November 11, 2024, passed in CRM (NDPS) 1492 of 2024. He says that he was the driver of the vehicle from which commercial quantity of narcotics were seized. However, he had no knowledge that narcotics were there in the car. He prays for bail.
2. Learned State Counsel points out with reference to the order dated November 11, 2024, that the petitioners in that case were granted bail because there was no recovery from their possession and contents of the alleged telephonic conversations between the petitioners and the co-accused persons were not available.

3. We, therefore, find that this petitioner cannot claim to be similarly circumstanced or to be on a better footing than the accused persons who were granted bail by the co-ordinate Bench in November, 2024.
4. Commercial quantity of narcotics was seized from the petitioner's possession. In view of the restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, we are not inclined to allow the petitioner's prayer for bail. Hence, the prayer for bail is rejected.
5. The application being CRM (NDPS) 42 of 2025 is accordingly dismissed.
6. We are told that February 24, 2025, is the date fixed for framing of charge. In view of the fact that the petitioner is in custody for about eight months, we direct the learned Trial Court to expedite the trial and conclude the same on an early date.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)