

13.02.2025
Item no. 41.
Court No.29.
AB
(Rejected)

CRM (NDPS) 45 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kotwali P.S. Case No.478 of 2024 Dated 04.05.2024 under Sections 21(c)/25/29 of the NDPS Act

And

In the matter of : Sanoj Kumar & OthersPetitioners.

Mr. Joydeep Biswas,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Mr. Kaushik Ghoshfor the Petitioners.

Mrs. Amita Gour,
Ms. Suruchi Sahafor the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioners has submitted that the petitioners are in custody for about nine months. He has also drawn our attention to the suo motu first information report lodged by one Police Officer wherein it was shown that there were other accused persons, who were coming in other vehicles and contraband articles were recovered only from one lorry bearing registration no. UP-82-AT-2502, but subsequently the other accused persons, who were travelling in one Hyundai car and one Scorpio vehicle following the said lorry on the relevant date, were granted bail though they were apprehended together.

2. Learned Counsel has drawn our attention to the statements of witnesses recorded under Section 180 B.N.S.S. 2023, which include the statements of the Gazetted Officers and independent witnesses. The said statements did not whisper about any lorry wherefrom allegedly contraband articles were recovered.
3. Considering the period of detention and also the material on record, as per submission of the learned Counsel for the petitioners, the petitioners are entitled to bail.
4. Learned State Counsel opposes the bail prayer. According to her, there are sufficient incriminating materials against the petitioners. The contraband items were recovered from the said vehicle bearing registration UP-82-AT-2502 and as the contraband articles were not recovered from the other two vehicles, namely, one Hyundai and one Scorpio cars, the learned Trial Court had granted bail to the other accused persons. However, the contraband items i.e. 10000 bottles of phensedyl syrup were recovered from the vehicle, which was being driven by the petitioner No.1 accompanied by two other petitioners and subsequently they were arrested. There are sufficient incriminating materials against the petitioners. If the petitioners are enlarged on bail, the prosecution may suffer.
5. We have found sufficient material against the present petitioners. It is true that the statements of the

witnesses recorded under Section 180 B.N.S.S. 2023 did not describe the vehicle as lorry but from the seizure list and other materials on record, it appears that 10000 bottles of phensedyl syrup were recovered from one vehicle being registration no.UP-82-AT-2502 of Tata Motors 1512, Chassis No.MAT 563010N7A01598 MM and the present petitioners were travelling in the said vehicle.

6. Considering the materials on record, CD and in view of the restrictions in Section 37 of the NDPS Act, we are not inclined to allow the prayer of the petitioners for bail.
7. The prayer for bail is rejected.
8. CRM (NDPS) 45 of 2025 is dismissed.
9. 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.)