

CRM (NDPS) 121 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

- A n d -

In the matter of : Bablu @ Bablu Sk.

.... Petitioner.

Mr. Sekhar Kr. Basu, Sr. Adv.,
Mr. Avinaba Patra,
Mr. Agnik Moulick,

... For the Petitioner.

Mrs. Rituparna De Ghose,
Mr. Atulya Sinha,

... For the State.

Order dictated by Prasenjit Biswas, J.

1. Mr. Sekhar Kr. Basu, learned Senior Advocate appearing on behalf of the petitioner says that this accused petitioner is completely innocent and has been falsely entangled with the crime. No contraband article was recovered from the possession of this petitioner and he had/have no connection with the recovery of 7 kgs 900 gms of brown sugar. The nexus of the present petitioner with the alleged recovery of Rs. 32,55,000/- of Indian Currency Note is also not clear and transparent. It is further assailed by the learned Advocate that the name of the petitioner did not transpire in the First Information Report. This petitioner has been implicated in connection with the instant case on the basis of electronic fund transfer between him and one Amaj @ Imaj Sk. @ Oti @ Atilal Sk. between July, 2023 and Janurary,2024. The monetary and/or financial transaction of alleged Rs. 16,00,000/-, more or less between this petitioner with the said Atilal Sk. between July 2023 and January 2024 is the only foundation of the petitioner's implication in the instant case. The attention of this Court is drawn

to a document dated November 6, 2024 annexed at page no. 56 of this application. So it is prayed that this accused petitioner may be released on bail.

2. Learned Advocate for the State raises vehement objection by submitting that there are sufficient incriminating materials in the case diary which show about prima-facie involvement of the accused petitioner with the alleged offence. The offence involvement in this case is serious in nature and huge quantity of contraband articles were recovered in connection with this case. So, it is said that the petitioner's prayer for bail may be rejected.

3. It appears that after completion of investigation charge-sheet has been filed by the prosecuting agency but the charge has not yet been framed by the Trial Court. Admittedly, there is a delay in commencement of the trial after framing of the charge but the said delay is not solely attributable to the prosecution. In our opinion, the narrow parameters of bail available under Section 37 of the Act, have not been satisfied in the facts of the instant case. At the stage, it is not safe to conclude that this petitioner has successfully demonstrated that there are reasonable grounds to belief that he is not guilty of the offence alleged against him, for him to have been admitted to bail. The length of the period of his custody or the fact that the charge-sheet has been filed but the charge has not yet been framed by the Trial Court are by themselves not considerations that can be treated as persuasive grounds for granting relief to this petitioner under Section 37 of the NDPS Act.

4. Accordingly, we are not inclined to enlarge this accused of petitioner on bail.

5. CRM (NDPS) 121 of 2025 is dismissed.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)