

42. 03.03.2025
Court
No.29 (Tanmoy)

Allowed

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (NDPS) 179 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, arising out of **Kanksa** Police Station Case No. **360/2024** dated **08.11.2024** under Sections **18(C)/29** of the NDPS Act, 1985. NDPS Case No. 21/2024.

And

In the matter of: - **SK. NAJRUL @ SEKH NAJRUL**

...petitioner.

Mr. Kunal Ganguly
Mr. Soumyajit Das Mahapatra
Mr. Kaustav Banerjee

...for the petitioner.

Mr. Avishek Sinha
Mr. Mainak Gupta

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that intermediate quantity of poppy straw was allegedly recovered from him. Charge-sheet has been filed upon completion of investigation. His further custodial detention is unnecessary. He prays for bail.
2. Learned State Advocate, while opposing the prayer for bail, in his usual fairness, says that only 10.91 Kgs. of poppy straw was recovered from this petitioner. Commercial quantity is 50 Kgs.
3. We, therefore, see that the rigors of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, do not apply in this case. Investigation having been completed, we are of the view that further custodial detention of the petitioner is not

necessary. Hence, we are inclined to allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely, **SK. NAJRUL @ SEKH NAJRUL** shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act, Asansol, Paschim Bardhaman, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
5. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
6. The application for bail being CRM (NDPS) 179 of 2025 is accordingly disposed of.
7. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)