

29.04.2025
Item no. 28
Ct. No. 29
BD.

C.R.M. (NDPS) 206 of 2025

In Re:- An application for bail under section 439 of the Code of Criminal Procedure, 1973/under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 42/2024 arising out from English Bazar Police Station Case No. 742/2024 dated 10.06.2024 under sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

In the matter of : **Sanjit Ghosh** Petitioner.

Mr. Avinaba Patra

Mr. Agnik Maulik ...for the Petitioner.

Ms. Snigdha Saha ...for the State.

Compliance report filed by the State dated 31st March, 2025 is taken on record.

Learned counsel appearing on behalf of the petitioner submits that the health condition of petitioner's mother is deteriorating as she is suffering from cervical cancer and petitioner is the only male issue of her mother and there is nobody else to look after his mother, who is also a senior citizen and for which the petitioner may be released on bail on humanitarian ground. He further submits that he is in custody for about 10 months and investigation has culminated into a charge-sheet. In support of his prayer for bail he has relied upon certain judgments reported in **2025 Supreme (DEL) 242** in the case of **Shri Lovee Narula – vs- Directorate of Enforcement, Government of India**, in the case of **Asif Amin Thoker –vs- Union Territory**

of J & K (unreported judgment) in Bail Application No. **56/2025 (CRLM 466 of 2025) in the High Court of Jammu & Kashmir and Ladakh at Srinagar**, in the case of **Shainu R Hatwar -vs- NCB** reported in **2025 Supreme (Online) (DEL) 736**, in the case of **Mohd. Danish -vs- The State Govt. of NCT of Delhi** reported in **2023 0 Supreme(DEL) 1214**, , in the case of **Salim Valimamad Majothi -vs- State of Gujarat** reported in **2023 0 Supreme(SC) 1304** and in the case of **Ashique Ilahi -vs- State (NCT of Delhi)** reported in **2015 0 Supreme(Del) 1803**.

Learned counsel appearing on behalf of the State opposes the prayer for bail contending that the commercial quantity of narcotic substances recovered from the exclusive possession of the petitioner and that the prosecution has already received the report confirming narcotic substances and thereby has submitted charge-sheet and that the trial is going to be commenced shortly.

I have considered the submissions made by both the parties. On perusal of the report, which was called for vide order dated 26th February, 2025 it appears that English Bazar Police Station has collected the medical documents of the mother of the petitioner, which they have attached with the report contending that one Putul Ghosh, wife of the present petitioner herein, can conveniently take care of the petitioner's mother.

I have considered submission made by both the parties and also perused the judgements relied by the petitioner.

From the judgments relied by the petitioner I find in the judgment delivered by the Delhi High Court in **2025 Supreme (DEL) 242**, the bail was granted on the ground to perform post-cremation rituals of petitioner's father and to support his mother emotionally and financially. In the case of **Asif Amin Thoker**, the bail was granted considering that presence of an elder male member of family is required for attending upon an ailing daughter requiring surgery/hospitalization. In the other judgments more or less the contention of the petitioner was that on humanitarian ground bail may be granted as there was no other member in the family to take care of the treatment and hospitalization either of the petitioner or the petitioner's family members. In the case of **Salim Valimamad Majothi** reported in **2023 0 Supreme (SC) 1304**, the petitioner was in ventilator and though at the time of making bail prayer he was discharged from ventilation but there was non-availability of advanced proper medical treatment in jail and considering the period of incarceration, which was more than one year and seven months, the Apex Court granted bail to the petitioner.

Having considered the facts and circumstances of the present case and that the commercial quantity of

contraband substances recovered from the exclusive possession of the petitioner and that the report shows that the petitioner's wife can conveniently take care of the petitioner's mother and that the rigor of section 37 of the NDPS Act, clearly attracts in the present context, the prayer for bail is rejected.

However, the trial court is requested to make every endeavour for expeditious disposal of the case keeping in mind that Article 21 gives a valuable fundamental right to the petitioner to get speedy trial. Accordingly, the entire proceeding should be concluded preferably within a period of eight months from the next date of hearing.

CRM (NDPS) 206 of 2025 is accordingly disposed of.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)