

CRM (NDPS) 210 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 New Barrackpore P.S. Case No. 91 of 2024 dated 23.03.2024 under Section 20(b)(ii)/29 of the NDPS Act..

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In the matter of : Raju Majumdar.

.... Petitioner.

Mr. Debasish Kar,

... For the Petitioner.

Mrs. Amita Gour,
Ms. Suveni Banerjee,

... For the State.

Order dictated by Prasenjit Biswas, J.

1. It is said by the learned Advocate appearing on behalf of the petitioner that this accused petitioner is quite innocent and has been falsely entangled with the crime. The name of the accused petitioner has transpired from the statements of arrested accused namely Ranjit Kumar Saha. On the basis of his statement the house of this petitioner was searched and from his house 4kgs 630gms ganja was recovered. On the other hand, 56 kgs ganja was recovered from the another accused namely Ranjit Kumar Saha. It is further said that the investigation process has been completed by submitting charge-sheet by the prosecuting agency on 06.09.2024 and the charge was framed by the Trial Court on 11.12.2024 but the witness action has yet to be started. So, it is said that no purpose will be served by detaining this accused petitioner behind the bar further for sake of custodial interrogation.
2. Learned Advocate for the State raises objection by submitting that there are sufficient incriminating materials collected by the investigating agency against this accused petitioner. Our attention

is drawn to the seizure list from which it would be appeared that the motor bike belonged to this accused petitioner was seized from the place of occurrence. So, the involvement of the accused petitioner with the alleged offence cannot be ruled out at this stage.

3. Perused the materials on record. The parameters of bail available under Section 37 of the NDPS Act have not been satisfied in the facts of the instant case. At this stage, it is not safe to conclude that the present petitioner has successfully demonstrated that there are reasonable grounds to belief that he is not guilty of offence alleged against him, for him to have been admitted to bail.
4. The fact that the charge-sheet has been filed and charge has been framed by the Trial Court but the witness action has not yet been started are by themselves not considerations that can be treated as persuasive grounds for granting relief to this accused petitioner under Section 37 of the NDPS Act. Keeping in mind his complicity in the crime and the embargo as provided in Section 37 of the NDPS Act we are not inclined to enlarge this accused petitioner on bail.
5. CRM(NDPS) 210 of 2025 is dismissed.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)