

17.06.2025
Item no. 29
Ct. No. 29
BD.

C.R.M. (NDPS) 230 of 2025

In Re:- An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 57 of 2024 arising out of Karimpur Police Station Case No. 129/2024 dated 29.06.2024 under section 20(b)(ii)(c)/29 of the NDPS Act, 1985.

In the matter of : ***Ritu Khan & Anr.***

.... Petitioners.

Mr. Tapodip Gupta ...for the Petitioners.

Mr. Joydeep Roy
Mr. Dattatreya Dutta ...for the State.

Petitioners submit that for the first time, they have made bail prayer before this court.

It is further submitted on behalf of the petitioners that they are in custody for about 356 days and according to prosecution case, 150 Kgs. of Ganja was allegedly recovered from the possession of the three accused persons including the present petitioners. He further submits that the ground of arrest was not informed to the petitioners at the time of arrest and there is also non-compliance of section 50A of the Cr.P.C and as such the petitioners are entitled to be released on bail.

Learned counsel appearing on behalf of the State opposed the bail prayer of the petitioner contending that search and seizure was duly made in presence of BDO, SDPO and Magistrate and the entire search and seizure was duly videographed and the prosecution has also received the CFSL report, which establishes that the

seized property is a narcotic substance. He further submits that if there be any procedural lacunae that may be considered at the time of trial but it cannot be the subject matter of consideration at the time of making bail prayer and he further submits that the stringent provision under section 37 of the NDPS Act, starts with a non-obstante clause and as such the submission made by the petitioners are not entertainable at this stage.

Having considered the submissions made on behalf of both the parties and also on perusal of the materials available in the case diary, it appears that rigour of Section 37 of the NDPS Act attracts in the present case in respect of the present petitioners and as such, the prayer for bail is considered and rejected.

CRM (NDPS) 230 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.)