

10.06.2025
Item no. 12
Ct. No. 29
BD.

C.R.M. (NDPS) 285 of 2025

In Re:- An application for bail under section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 23 of 2023 in connection with NCB Crime No. 27/NCB/KOL/2023 dated 06.09.2023 under section 8(C)/21C/25/28/29 of the NDPS Act, 1985.

In the matter of : ***Puran Sahu***

.... Petitioner.

Mr. Anirban Chakraborty

...for the Petitioner.

Mr. Himangshu De

Mr. R.R. Mohanty

...for the NCB.

It is submitted on behalf of the petitioner that the petitioner is in custody since 06.09.2023 and that charge has not yet been framed in the present case though charge-sheet submitted and nobody knows when the trial would be concluded and that nothing was recovered from the possession of the petitioner and that he has been falsely implicated and as such he may be granted bail on any terms and conditions.

Learned counsel appearing on behalf of the NCB vehemently opposed the bail prayer contending that CDR linkage was found with the owner of the godown namely, Jogender Yadav, wherefrom 6253 bottles of cough syrup and 110 bottles of dry syrup containing codeine phosphate was recovered. He further submits that during CDR analysis total 560 calls were found to have made by the said two persons from 5th March, 2023 to

5th September, 2023. He further submits that the petitioner is knowingly and deliberately indulge in local trafficking and the key of the said godown was found from the possession of the present petitioner which establishes that he used to provide narcotic substance from the said godown wherefrom the seized contraband articles were recovered. He further submits that the owner of the godown Jogender Yadav was absconding. However, aforesaid Jogender Yadav has been arrested on 14.05.2025 and due to such abscontion charge could not be framed against the present petitioner and as such delay in trial is clearly attributable to the co-accused.

I have considered the submissions made by both the parties.

In view of the facts and circumstances of the case and that the materials so far collected during investigation it appears to me that rigour of section 37 of the NDPS Act, is attracted against the present petitioner and as such, the prayer for bail of the petitioner is considered and rejected.

CRM (NDPS) 285 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.)

