

17.03.2025
Item no. 66.
Court No.29.
AB
(Rejected)

CRM (NDPS) 305 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 Bhimpur Police Station Case No.190 of 2024 Dated 14.07.2024 under Sections 21C/29 of the NDPS Act

And

In the matter of : Sushil Kumar @ Sushel Kumar

.....Petitioner.

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose for the Petitioner.

Mr. Kaushik Kundu,
Ms. Trisha Rakshit for the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Advocate for the petitioner has submitted that the petitioner is in custody for 145 days. Nothing has been recovered from his possession. However, his truck was coming from Gurgaon to West Bengal and in the district of Nadia, his truck was intercepted and it is alleged that 20000 bottles of phensedyl syrup have been recovered. He has no role to play in committing the alleged crime. He has no criminal antecedents. Considering his period of detention and also the fact that charge sheet has been filed, he may be enlarged on bail on any condition.

2. Learned Advocate for the State raises strong objection. According to him, there are sufficient incriminating materials against the petitioner. 20000 bottles of contraband items have been recovered from the concerned truck owned by the present petitioner. There are call details report between the petitioner and the driver of the truck. If the petitioner is enlarged on bail, the prosecution may suffer a lot.

3. We have considered the materials on record. We find that there are materials showing that huge quantity of contraband items were recovered from the truck. There is no document to show that the petitioner and the concerned transport company had any agreement as alleged. Considering the materials on record, the stage of the proceeding and also the fact that the petitioner is not able to overcome the restrictions imposed under Section 37 of the NDPS Act, we are not inclined to allow the petitioner's prayer for bail, at this stage.

4. The prayer for bail is rejected.

5. CRM (NDPS) 305 of 2025 is dismissed.

6. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)

