

29.04.2025

akb

S1. 36

Ct.29

Rejected

CRM (NDPS) No. 363 of 2025

In re: An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with NCB Crime
No. 20/NCB/KOL/2024 dated 30.11.2024 under Sections 8 (c) r/w
20(b)(ii)(c)/29 of the NDPS Act, 1985.

And

In re: **Nur Islam Patoyari** ... petitioner.

Mr. Sekhar Kumar Basu

Mr. Souvik Mitter

Ms. Pranidhi Singh ...for the petitioner

Mr. Himangshu De

Ms. Rama Chakraborty ...for the NCB

The prosecution case is that on the basis of information received from a reliable source NCB team seized 38.300 kgs. of brown green dry leaves/flowering tops of cannabis plant believed to be Ganja in a godown allegedly taken on rent by the petitioner.

It is submitted on behalf of the petitioner that nothing was recovered from the possession of the petitioner and that at the time of alleged search and seizure, petitioner was also not found to be present and he has been arrested on the basis of a co-accused's statement that petitioner was asked to hand over the key of the godown for urgent work. He further submitted that the petitioner is innocent and is in no way connected with the alleged offence and that he is in custody for about 98 days and as such he may be released on bail on any terms and conditions.

Learned Counsel appearing on behalf of the NCB raised strong objection contending that the present petitioner was found involved in illegal trafficking of Ganja along with other co-accused person and he has admitted his role in drug conspiracy in recovery of 38.3 kgs. Ganja. Moreover, it has also been revealed during investigation that the supplier of Ganja Ajijar Miya was always in contact with the

petitioner before the seizure. According to the prosecution case petitioner, was escaped from the spot doubting the arrival of NCB team.

I have considered the submissions made on behalf of both the parties. Having considered the materials available in the Case Record implicating the present petitioner and that the notarized room rent agreement prima facie discloses that the petitioner as tenant was in occupation of the godown wherefrom the nercotic substance has been allegedly recovered, which raises grave suspicion against the petitioner, and therefore attracts rigour of section 37 of the NDPS Act and that the investigation is still in progress, I find that this is not a fit case where the petitioner may be enlarged on bail. The prayer for bail is considered and rejected.

The application, being CRM (NDPS) 363 of 2025 is accordingly disposed of.

(Dr. Ajoy Kumar Mukherjee, J.)