

20.05.2025

Sl. no. 53

Ct. No. 29

P.M.

C.R.M. (NDPS) 387 OF 2025

In Re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of Bharatia Nagarik Suraksha Sanhita, 2023 in connection with NDPS case No. 128 of 2024 arising out of Berhampore Police Station case No. 1997 of 2024 dated 07.12.2024 under Section 21(c)/29 of the NDPS Act.

And

In the matter of : **Mithun Biswas @ Mondal**

..... petitioner

Ms. Shalini Bairagi,

Mr. Priyankar Ganguly,

Mr. Golam Nure Imrohi

.... For the petitioner

Mr. Joydeep Roy,

Mr. Rajesh Jana

... for the State

It is submitted on behalf of the petitioner that 5650 bottles of phensedyl was allegedly recovered from the godown of Rohit Sk. Petitioner submits that nothing was recovered from his possession and his name transpired from the co-accused statement and he is noway connected with the alleged offence and he has been falsely implicated.

He further submits that he is in custody for about 130 days and investigation in respect of the present petitioner has been advanced in a considerable extent and as such he may be granted bail on any terms and conditions.

Learned counsel appearing on behalf of the State vehemently opposed the bail prayer contending that the entire consignment was procured by the present petitioner and he kept

it in the godown of co-accused Rohit Sk., which has been transpired from the statements recorded during investigation which needs verification.

He further submits that the petitioner is a resident of a place close to Bangladesh border and if he is granted bail there is every chance of the absconsion.

He further submits that present petitioner has criminal antecedent and investigation is pending against him, in a Jalangi P.S. case initiated under the provisions of the NDPS Act.

He further submits that five other co-accused persons in this case are still absconding.

Having considered the submissions made on behalf of the petitioner and the State and on perusal of the materials so far as available in the Case Diary and also considering the fact that the investigation is still in progress and that the petitioner has criminal antecedent and as such the rigour of Section 37 of the NDPS Act attracts in the present case, the prayer for bail is considered and rejected.

Accordingly CRM(NDPS) 387 of 2025 is disposed of.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all usual requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)