

05.05.2025  
Sl. No.  
ML 02  
Court No.22  
RUP  
**Rejected**

**IN THE HIGH COURT AT CALCUTTA  
CRIMINAL MISCELLANEOUS JURISDICTION**

**(Assigned)  
CRM (NDPS) 410 of 2025**

**Mosaraf Khan  
Vs.  
The State of West Bengal**

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure, 1973) arising out of **South Port** P.S. Case No.185 of 2022 dated **10.12.2022** under Section **20(b), (ii)(c)/29/35** of the Narcotic Drugs & Psychotropic Substances Act, 1985 corresponding to C.R. (NDPS) Case No. 45 of 2022.

Mr. Supratick Shyamal.

.....For the Petitioner

Ms. Sreyashee Biswas.

.....For the State

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1. Both the learned counsel appearing on behalf of the petitioner as well as State to this application are present.
2. Learned counsel appearing on behalf of the petitioner has prayed for bail on behalf of the petitioner/accused involving an offence owing to recovery of contraband articles of commercial quantity.
3. Learned counsel appearing on behalf of the petitioner has prayed for bail on the ground of serious illness of son of the petitioner/accused. It is further submitted that the son of the petitioner has been suffering from Thalassemia.
4. Per contra, learned counsel appearing on behalf of the State opposes the prayer for bail contending, inter alia, that this is a case of recovery of commercial quantity of contraband articles and there was

other antecedent.

5. However, it is the case of constructive possession of the petitioner over the commercial quantity of contraband articles which actually stand in the way of overcoming the statutory hurdle of Section 37 of the NDPS Act, 1985.
6. Regard being had to the above, I am not inclined to enlarge the petitioner/accused/ **Mosaraf Khan** on bail.
7. The prayer for bail stands rejected.
8. Accordingly CRM (NDPS) 410 of 2025 stands disposed of.
9. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.
10. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

**(Bibhas Ranjan De, J.)**