

akb
Sl. 27
Ct.29
Rejected

In re: An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with Berhampore
Police Station Case No. 1168 of 2024 dated 13.8.2024 under Section
21(C)/25/29 of the NDPS Act, 1985 relating to NDPS Case No. 72 of
2024.

In re: Selim Biswas ... petitioner.

...for the petitioner

...for the State

It is submitted on behalf of the petitioner that according to the prosecution case 18600 bottles of phensedyl syrup containing codeine phosphate were seized from the six accused persons including the present petitioner. Petitioner further submits that he is in custody for about ten months. He further submits that the investigation has already been culminated into a charge-sheet and the charge was framed on 28th March, 2025 and nobody knows when the trial would be concluded. He further submits that the entire narcotic substance was recovered from a truck as per FIR story. But admittedly, petitioner was not in the truck but in a Maruti van which according to the prosecution case was waiting to receive the narcotic substance from the truck and/or said van was part of alleged consignment, which has got no basis and in fact the petitioner has been falsely implicated. He further submits that the bail prayer of one of the co-accused was rejected on 13th February, 2025 but he was on different footing as he was found within the truck wherefrom the narcotic substance was allegedly recovered. In such circumstances, petitioner may be granted bail on any terms and conditions.

Learned Counsel appearing on behalf of the State opposed the bail prayer referring the materials collected during investigation and he submits that the entire narcotic substance was recovered from the conscious possession of all the six accused persons and as such the present petitioner is almost on the same footing with that of the petitioner in CRM (NDPS) 28 of 2005, whose bail prayer was rejected by this Court on 13th February, 2025. He further submits that the charge has already been framed against all the accused persons and trial is going to be concluded within a short span of time and if at this stage petitioner is released on bail there would be every chance of his absconsion, which would cause delay in trial of the case.

Having heard learned Counsel appearing on behalf of the petitioner and the State and in view of the materials collected so far during investigation by the investigating authority, I find that rigour of Section 37 of the NDPS Act attracts in the present case against the present petitioner and as such the prayer for bail is considered and rejected.

The application, being CRM (NDPS) 415 of 2025 is accordingly disposed of.

(Dr. Ajoy Kumar Mukherjee, J.)