

10.06.2025

akb

Sl. 30

Ct.29

Rejected

CRM (NDPS) No. 425 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 filed in connection with NDPS Case No. 12 of 2022 arising out of Pandaveswar Police Station Case No. 59 of 2022 dated 13.5.2022 under Section 20(b)(ii)(c)/29 of the NDPS Act, 1985.

And

In re: Krishna Sarkar @ Krishna Gopal Sarkar
... petitioner.

Mr. Uday Sankar Chattopadhyay

Ms. Bidisha Chakraborty

Ms. Sadia Parveen

...for the petitioner

Mr. Bibaswan Bhattacharya

Mr. Raju Mondal

...for the State

It is submitted on behalf of the petitioner that 40 kgs. of Ganja was allegedly recovered from one Kamal and Bapi on 13.5.2022 and both the aforesaid accused persons are already on bail. The petitioner voluntarily surrendered before the Court on 20th January, 2025 and since then he is in custody. He further submits that when he surrendered before the Court he was taken in police custody for three days and nothing was recovered from his possession and he is no way connected with the alleged occurrence and as such he may be released on bail on any terms and conditions and that the charge has been framed in the present case and nobody knows when the trial would be concluded.

Learned Counsel appearing on behalf of the State opposed the bail prayer contending that the present petitioner fled away from the spot when the search and seizure was made and the room wherefrom the narcotic substance was allegedly recovered was in the possession of the present petitioner and for which he had fled away and thereafter his anticipatory bail prayer was rejected by this Court on 12th

September, 2022 but he surrendered before the Court long thereafter on 20th January, 2025 which caused the delay in trial. He further submits that materials collected during investigation clearly suggests that he was in conscious possession of the narcotic substance and his previous conduct suggests that if he is released on bail there would be every chance of his further absconsion, which would cause delay in trial of the present case.

I have considered the submission made on behalf of both the parties. On perusal of the materials collected, including the statement recorded during investigation and that the room wherefrom the recovery of the narcotic substance was made was in occupation of the petitioner, I find that rigour of Section 37 of the NDPS Act attracts in the present case in respect of the present petitioner and as such his prayer for bail is rejected.

The application, being CRM (NDPS) 425 of 2025 is accordingly disposed of.

(Dr. Ajoy Kumar Mukherjee, J.)