

19.05.2025

Sl. no. 88

Ct. No. 29

P.M.

C.R.M. (NDPS) 450 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 Jalangi Police Station case No. 172 of 2024 dated 05.06.2024 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In the matter of : **Mitul Sk. @ Mithul Sk**

..... petitioner

Mr. Jisan Iqubal Hossain

.... For the petitioner

Ms. Anasuya Sinha (APP),

Mr. Ronit Mukherjee

... for the State

Learned counsel appearing on behalf of the petitioner submits that 20.880 K.G. of Ganja was allegedly recovered from co-accused person and his name transpired from the statement of the co-accused.

He further submits that nothing was recovered from the possession of the petitioner and he is in custody since 15th January, 2025 as such he may be granted bail in any terms and conditions as he has been falsely implicated with this case.

He further submits that the investigation has already been ended in a charge sheet.

Learned counsel appearing on behalf of the State vehemently opposed the bail prayer contending that the petitioner has criminal antecedent and his name has been

implicated in seven criminal cases out of which most are in connection with offence under NDPS Act.

Accordingly she submits that if he is released on bail there is serious chance of absconsion.

I have considered the submissions made by the parties. It appears that the bail prayer of the petitioner was rejected on 3rd March, 2025 observing prima facie involvement of the petitioner and also considering the fact that he was absconding. It was also recorded in the said rejection order that the call details recovered shows exchange of phone calls between the petitioner and the principal accused. The charge sheet was filed showing the present petitioner as absconder and he surrendered before the Court after rejection of his anticipatory bail prayer. There appears to be no change of circumstances in the context of aforesaid considerations made by this Court two months back.

Having considered the facts and circumstances of this case and that the petitioner has a criminal antecedent and that these are prima facie materials in the case diary in support of reason to believe and that if he is released on bail there is serious chance of his absconsion, the rigor of Section 37 of the NDPS act attracts in the present case and as such prayer for bail is considered and rejected.

The report submitted by the Stated is taken on record.

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.)