

22.05.2025

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C.R.M. (NDPS) 473 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Kaliachak Police Station case no. 164 of 2022 dated 10.02.2022 under Sections 21(C)/27A/29 of the NDPS Act, 1985 and Section 27A of the Drugs and Cosmetic Act.

And

In the matter of : **Golam Ahammed Mirza @ Toton**
.... Petitioner

Mr. Amitabha Karmakar
Mr. Arup Kr. Bhowmick

...for the Petitioner

Ms. Shreyashee Biswas
Mr. Tirthankar Dhali

...for the State

It is alleged that 400 nos. of bottles of Phensedyl cough syrup containing codeine phosphate was recovered from the house of the petitioner but the learned counsel for the petitioner submits that he is not the owner of the house and no videography done in connection with the alleged search and seizure. He further submits that he is in custody since 21st March, 2024 when he voluntarily surrendered before the court.

Ms. Biswas, learned counsel for the State opposed the bail prayer and contended that the petitioner seeing police, at his house when they went to work out the information, fled away from his house and was absconding for about two years. She further submits that the investigation reveals that the house property from which seizure was made, is owned by the grandfather of the petitioner.

She further submits that the trial is in progress and if he is released on bail, there is serious chance of his absconsion, which will get the trial delayed.

Having considered the submissions made on behalf of both the parties and the materials available in the case diary, it appears that rigour of Section 37 of the NDPS Act clearly attracts in the present case and as such, the prayer for bail is rejected.

Accordingly, CRM (NDPS) 473 of 2025 is disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)