

D/L37

01.07.2025
Rohit
ct.no.29

C.R.M. (NDPS) 482 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Malda Town GRPS Police Station Case No. 4 of 2025 dated 14.01.2025 under Sections 21 (c)/29 of the NDPS Act, 1985.

And

In Re: **Sambhu Sahani**

...Petitioner

Mr. Tapodip Gupta

...for the petitioner

Mr. Md. Adil Badar
Mr. Tirupati Mukherjee

...for the State

900 bottles of cough syrup containing codeine phosphate has been allegedly recovered from the joint possession of three persons. The petitioner submits that in connection with the said allegation he is in custody for about five months and seven days. He further submits that the CCTV footage discloses that there is a discrepancy in between the date and time of the occurrence. He further submits that considering the fact that the investigation has already been culminated into a charge-sheet his further detention may not be required and as such he may be released on bail on any terms and conditions.

Learned Counsel appearing on behalf of the State opposed the bail prayer contending that commercial quantity of narcotic substance was recovered from the joint possession of the petitioner and next date is fixed on 17th July, 2025 for framing of charge. He further submits that the bail prayer of the co-accused has been rejected by this Court on

26.03.2025 and present petitioner is almost on the same footing and thereby he opposed the prayer for bail.

Having heard learned counsel appearing on behalf of the petitioner and the state and that the materials placed before me clearly reflects that the rigour of Section 37 of the NDPS Act attracts in the present case in respect of the present petitioner, the prayer for bail is rejected. However, the learned Trial Court is requested to expedite the trial keeping it in mind the fundamental right of the petitioner for speedy trial which is guaranteed under Article 21 of the Constitution of India.

Accordingly, CRM (NDPS) 482 of 2025 is disposed of.

Memo of evidence be kept with the record.

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.)