

D/L38

01.07.2025
Rohit
ct.no.29

C.R.M. (NDPS) 489 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 English Bazar Police Station Case No. 1849 of 2024 dated 15.12.2024 under Sections 20(b)(ii)(c)/25/29 of the NDPS Act, 1985.

And

In Re: **Ranjan Das & Anr.**

...Petitioner

Mr. Rafikul Islam Sardar

...for the petitioner

Mr. Bibaswan Bhattacharya
Ms. Poulami Bose

...for the State

According to the prosecution case on 15.12.2024, 22.6 kgs of ganja was allegedly recovered from the joint possession of three persons out of which two are the petitioners herein. Petitioner submits that they have been falsely implicated in this case and they are in custody for about six months. Petitioner further submits that from the memo of arrest and from the order passed by the Trial Court it reflects that while the arrest was made the directions made in the case of **DK. Basu-Vs-State of West Bengal** reported in **1997 (1) SCC 416** was not followed and that the memo of arrest discloses relevant column no. 2,3,4 of the memo of arrest are lying vacant and as the arrest was made without complying proper procedure the petitioners 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 ganja was recovered from the joint possession of the petitioners and the entire process of search

and seizure have been videographed and the investigation has already been culminated into a charge-sheet which have been filed on 30th May, 2025 and that in view of Section 37 of the NDPS Act procedural lapses if any shall be adjudicated at the time of trial and not at the stage of consideration of the bail prayer.

Having heard learned counsel appearing on behalf of the petitioner and the state and also on perusal of the materials placed before me, I find that the rigour of Section 37 of the NDPS Act clearly attracts in the present case in respect of the present petitioner and as such the prayer for bail is rejected.

Accordingly, CRM (NDPS) 489 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.)