

25.06.2025  
Item no.18  
Ct. No. 29  
BD.

**C.R.M. (NDPS) 504 of 2025**

In Re:- An application for bail under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Howrah GRPS P.S. Case No. 71 of 2024 dated 25.07.2024 under section 20(b)(ii)(c)/29 of the NDPS Act, 1985.

In the matter of : ***Dharmendra Kumar & Anr.*** .... Petitioners.

Mr. Jaydeep Biswas  
Mr. Ashok Das  
Mr. Kaushik Ghosh  
Ms. Hasi Jana ...for the Petitioners.

Mr. Ranadeb Sengupta  
Mr. Avishek Verma ...for the State.

Petitioner contended that as per seizure list 22.44 Kgs. of Ganja was allegedly recovered from the joint possession of the two accused persons. However, the statement recorded during investigation reveals that there are anomalies in connection with the seizure of the contraband substances and it discloses that the seizure may not amount to commercial quantity. He further submits that the weighing machine by which the narcotic substance was allegedly weighed had not been seized and the videography has not been done in accordance with the direction made by this Court in the Judgment of Kalu Sk. @ Kuran -vs- State of West Bengal in CRM (NDPS) 492 of 2022 and Kabir Sk. -vs- State of West Bengal in CRM (NDPS) 493 of 2022. He further submits that the prosecution proposes to examine

seventeen witnesses but the charge has not yet been framed though charge-sheet has been submitted and as such it will take a long drawn process to conclude the trial and no fruitful purpose will be served by detaining the petitioners any further in custody and as such they may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State vehemently opposed the bail prayer contending that petitioner no. 1 herein has taken a plea before the trial court that he was a juvenile at the time of alleged commission of offence though they were not pressing for hearing the same and as such the framing of charge by the trial court gets delayed. He further submits that the commercial quantity of contraband substance was recovered from the joint possession of the petitioners while they were found sitting under Pole no.12 of old Howrah Railway station.

Having heard the learned counsel appearing on behalf of the parties, I find that rigour of section 37 of the NDPS Act, clearly attracts against the present petitioners in this case and as such the prayer for bail is considered and rejected. However, trial court is requested to expedite the trial.

CRM (NDPS) 504 of 2025 is accordingly disposed of.

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

**(Dr. Ajoy Kumar Mukherjee, J.)**