

16.07.2025
Item no.39
Ct. No. 29
BD.

C.R.M. (NDPS) 513 of 2025

In Re:- An application for bail under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dhubulia Police Station Case No. 99 of 2024 dated 04.03.2024 under section 21(c)/25/29 of the NDPS Act, 1985, being NDPS Case No. 31 of 2024.

In the matter of : **Balvindra Singh** Petitioner.

Mr. Asraf Mandal
Mr. Aranya Basu
Md. Fahim Sayud ...for the Petitioner.

Mr. Joydeep Roy
Ms. Arfeen Begum ...for the State.

It is submitted on behalf of the petitioner that 7500 bottles of phensedyl containing codeine phosphate was recovered from the possession of three accused persons namely Mohit Yadav, Achhiruddin Mondal and Malek Seikh. He further submits that nothing was recovered from the possession of the present petitioner. He is in custody since 20th May, 2024 and he further submits that the driver of the vehicle wherefrom the contraband substance was recovered had taken his name and on the basis of his statement he was arrested. His further case is that invoices recovered along with contraband substance disclosed the name of the persons who are involved with the consignment but police had not made any investigation in connection with the names disclosed therein. He further submits that since rigour of section 37 of the NDPS Act does not attract in respect of

the present petitioner 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 the present petitioner is the supplier of the narcotic substance and the materials collected from the case diary discloses that this petitioner and the principal accused Mohit Yadav, had made several telephonic communications and there is money trailing in between the present petitioner and the co-accused Mohit Yadav, from whose possession recovery was made. He further submits that out of eleven charge-sheeted witnesses prosecution proposes to examine eight witnesses and though the charge was framed against the accused persons on 16th November, 2024 but the evidence could not be started as twice the presiding officer was absent and twice the defence counsel was on leave and took adjournment. He further submits that the present petitioner has direct complicity with the alleged occurrence and as such, if he is released on bail there is serious chance of his abscondence. Moreover, he is an inhabitant of State of Uttar-Pradesh.

Having heard learned counsel appearing on behalf of both the parties and the materials so far collected during investigation it appears that rigour of section 37 of the NDPS Act, clearly attracts in respect of the present petitioner in this case, and as such, the prayer for bail is considered and rejected.

CRM (NDPS) 513 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.)