

02.7.2025

akb

Sl. 33

Ct.29

Rejected

CRM (NDPS) No. 518 of 2025

In re: An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with the N.D.P.S.
Case No. 93 of 2024 arising out of Chapra Police Station Case No. 990
of 2024 dated 02.10.2024 under Section 21(c)/29 of the NDPS Act,
1985.

And

In re: Sadhu Mondal & Anr. ... petitioners.

Mr. Md Golam Nure Imrohi ...for the petitioners

Ms. Shreyashee Biswas

Mr. Sandip Kundu ...for the State

Learned Counsel appearing on behalf of the petitioners submits
that 140 kgs. of contraband substance was allegedly recovered from
the rooftop of a public bus and thereafter on the basis of co-accused
statement the present petitioners were arrested. In fact they were not
found in conscious possession of the contraband substance and as
such the rigour of Section 37 of the NDPS Act does not attract in
respect of the present petitioners. It is further submitted on behalf of
the petitioner that they are in custody since 3.10.2024 and they may
be granted bail on any terms and conditions. In support of his
argument, learned Counsel for the petitioners referred a judgment of
this Court in **CRM (NDPS) 126 of 2025 (Ujjal Seal Vs. State of West
Bengal)**.

Learned Counsel appearing on behalf of the State submits that
the petitioners were apprehended from the spot and seizure list and
the FIR makes it clear that they were in conscious possession of the
said commercial quantity of contraband substance and that the bail
prayer of the bus owner has already been rejected by this Court and
the petitioners are almost on the same footing. He further submits
videograph was done and search and seizure were made in compliance

with the provisions of law and he accordingly opposed the bail prayer. He further submits that the investigation has already been culminated into a charge-sheet, though charge has not yet been framed.

Having considered the submissions made on behalf of the petitioners and the State and on perusal of the materials available with the case record and also considering that the decision cited by the petitioners in the case of ***Ujjal Seal (Supra)*** is factually distinguishable and as such it is not applicable in the present case, and also in view of the fact that rigour of Section 37 of the NDPS Act attracts in the present case in respect of the present petitioners, I find that they are not entitled to be released on bail and as such the prayer for bail is rejected.

The application, being CRM (NDPS) 518 of 2025 is accordingly disposed of.

(Dr. Ajoy Kumar Mukherjee, J.)