

02.07.2025

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C.R.M. (NDPS) 527 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS case no. 79 of 2024 arising out of Baishnabnagar Police Station case no. 1011 of 2024 dated 22.9.2024 under Sections 21(c)27A/29 of the NDPS Act, 1985.

And

In the matter of : **Sanaul Sk.**

.... Petitioner

Md. Wasim Akram

...for the Petitioner

Ms. Subhasree Patel

Mr. Dipankar Mahata

...for the State

Petitioner submits that the grounds of arrest was not informed to the petitioner at the time of arrest and he is in custody for about 283 days and that alleged recovered substance does not come within the definition of narcotic substance and that he has been falsely implicated and therefore, he may be released on bail on any terms and conditions.

Learned counsel for the State opposed the prayer for bail contending that commercial quantity of narcotic substance was recovered from the conscious possession of the present petitioner. The investigation has already been culminated into a charge-sheet and the trial is going to commence shortly. He further submits that the procedural lapses if any, will be adjudicated at the time of trial and not at the stage of hearing of bail application.

Having considered the submissions made on behalf of both the parties, it appears from the chemical examination report that the content of each of the exhibited substance was identified as Opium, Opium alkaloids viz. Morhine, Codeine and Thebaine which are covered under NDPS Act.

From the facts and circumstance of the case, it appears that rigour of Section 37 of the NDPS Act clearly attracts in the present case against the present petitioner and as such, the prayer for bail is rejected.

Accordingly, CRM (NDPS) 527 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.)