

27.11.2025
Serial no. 76
[G.S.D]

CRM (NDPS) 561 of 2025

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure, 1973/under Section 483 of the BNSS, 2023 in connection with **Special Case No. 104 of 2024 corresponding to NDPS Case No. 104 of 2024 arising out of Kaliachawk PS Case No. 2033 of 2024 dt. 14.12.2024 u/s 21(c)/27A/29 of the NDPS Act.**

-And-

In the matter of : Nur Mohammad

	 Petitioner(s)
Mr. Akash Ghosh	
	... for the Petitioner(s)
Mr. Joydeep Roy	
Ms. S. Banerjee	
	... for the State-respondent(s)

Learned advocate for the petitioner challenges the issue relating to grounds of arrest not having been supplied.

However, in view of the decision of the Hon'ble Apex Court in [*Mihir Rajesh Shah -vs- State of Maharashtra & Anr in Crl No. 2195 of 2025*] wherein it has been held that the custom of supplying the grounds of arrest would apply 'henceforth', as such, I am of the opinion that at the relevant point of time, if there was any anomaly, the same should not enure any benefit to the accused.

The subject-matter of the case relates to recovery of 407 gm of brown sugar from the possession of the petitioner who is in custody for 11 months.

It has also been submitted that charge-sheet has already been submitted but charge has not been framed.

Having considered the quantum of seizure, I am of the view that the petitioner has failed to overcome the rigours of Section 37 of the NDPS Act, as such, his prayer for bail should be rejected.

Hence, the prayer for bail of the petitioner is **Rejected.**

The trial court is directed to expedite the proceeding.

Accordingly, CRM(NDPS) 561 of 2025 is **dismissed.**

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)