

19.06.2025
Item no.09
Ct. No. 29
BD.

C.R.M. (NDPS) 562 of 2025

In Re:- An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 86 of 2024 arising out of Jalangi Police Station Case No. 341 of 2024 dated 21.09.2024 under section 21(C)/25/29 of the NDPS Act, 1985.

In the matter of : **Mithun Sarkar** Petitioner.

Ms. Arushi Rathore ...for the Petitioner.

Mr. Bibaswan Bhattacharya
Mr. Pallavi Priyadarshee ...for the State.

Medical report dated 17.06.2025 produced in Court by the Medical Officer, Presidency Correctional Home, Kolkata, is taken on record.

Petitioner's contention is that petitioner is in custody since 21st September, 2024 and 395 bottles of cough syrup containing codeine phosphate was allegedly recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that kidney transplantation of the petitioner was done in the month of January, 2024 and he requires post-operative care and his physical condition is not sound and his days are numbered and as such he may be released on bail on any terms and conditions specially on the ground of his health issue.

Learned counsel appearing on behalf of the State opposed the bail prayer made by the petitioner contending that the petitioner after kidney

transplantation is under regular check up and he is under constant treatment following the advice of the doctors of SSKM Hospital and his medical condition is stated to be not alarming so that he may be released on bail on medical ground.

I have considered the submissions made on behalf of the both sides and I have gone through the relevant medical report. It appears that the commercial quantity of contraband substance was seized from the present petitioner and I am also informed that after filing of the charge-sheet, charge has been framed and the examination of witnesses is going to be commenced soon.

In the aforesaid facts and circumstances of the case and keeping in mind the rigour of section 37 of the NDPS Act, which clearly attracts in respect of the present petitioner in the present case, the prayer for bail made by the petitioner is rejected.

CRM (NDPS) 562 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.)

