

03.07.2025
Item no.61
Ct. No. 29
BD.

C.R.M. (NDPS) 577 of 2025

In Re:- An application for bail under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Lalgola Police Station Case No. 899 of 2024 dated 02.09.2024 under section 21(c)/29 of the NDPS Act, 1985.

In the matter of : **Sohobul Sk** Petitioner.

Mr. Arnab Chatterjee
Mr. Dhanasree Biswas
Ms. Poulami Bose ...for the Petitioner.

Mr. Sreyashee Biswas
Ms. Eshita Dutta ...for the State.

It is submitted on behalf of the petitioner that 120 bottles of phensedyl cough syrup containing codeine phosphate was allegedly recovered from the three accused persons and the petitioner is in custody for about 10 months and charge-sheet has already been submitted and for which further detention may not be required in respect of the present petitioner, and as such, he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State submits that the bail prayer of the co-accused has been rejected on 12th June, 2025 being CRM (NDPS) 437 of 2025 and the present petitioner is almost on the same footing and as such he opposed the bail prayer.

Having considered the submissions of the learned counsel appearing on behalf of both the parties and that

rigour of section 37 of the NDPS Act, clearly attracts in respect of the present petitioner in this case and that the bail prayer of the co-accused person has been rejected by this Court few days back and that the present petitioner is almost on the same footing, the prayer for bail is considered and rejected.

I am informed that the charge sheet has been submitted against five accused persons out of which one accused is still absconding and for which charge could not be framed and the trial is getting delayed. If that be the position, keeping it in mind that the other accused persons are suffering incarceration for a considerable period of time, the trial court should take every steps to secure the presence of the said absconding accused and in spite of best effort, if his attendance could not be secured before the Trial Court, the trial court will split the record in respect of the absconding accused and will proceed for trial with rest of the accused persons.

CRM (NDPS) 577 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.)

