

10.07.2025
Court No.29
Item No.49
AP

CRM (NDPS) 595 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure 1973, corresponding to under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Gangarampur Police Station Case No. 135 of 2025 dated 06.03.2025 under sections 21(c)/22(c)/27A/28/29 of the NDPS Act, 1985 (in NDPS Case No.13 of 2025).

In the matter of : **Prosenjit Ghosh**

.... Petitioner.

Mr. Pawan Kumar Gupta
Mr. Shiladitya Barma

...for the Petitioner.

Mr. Joydeep Roy
Mr. Dipankar Mahata

...for the State.

Mr. Gupta, learned counsel appearing on behalf of the petitioner submits that when he had gone to Court premises to meet with his brother, he was arrested by the police and he is in custody for about 100 days. Nothing was recovered from his possession and the rigour of Section 37 of the NDPS Act does not attract in respect of the present petitioner. He further submits that the petitioner has no criminal antecedent and as such he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State vehemently opposes the prayer for bail contending that the investigation is still in progress and the present petitioner and his brother, who has criminal antecedent, deal with narcotic substance. Moreover, CDR collected during investigation also disclosed complicity of the present petitioner with the alleged

offence. He further submits that the present petitioner was arrested on the strength of warrant of arrest as he was absconding and as such if he is released on bail there is serious chance of his further abscondance.

Having heard learned counsel appearing on behalf of the petitioner and the State and having regard to the fact that the investigation is still in progress and materials prima facie discloses that the rigour of Section 37 of the NDPS may attract in respect of the present petitioner, the prayer for bail is considered and rejected at this stage.

Accordingly, CRM (NDPS) 595 of 2025 is 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.)