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C.R.M. (NDPS) 616 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection NDPS case no. 03 of 2024 arising out of Palashipara Police Station case no. 18 of 2024 dated 07.01.2024 under Sections 21(C)/29 of the NDPS Act, 1985.

And

In the matter of : **Monirul Hossein @ Mehebul @ Manirul Hossain**

.... Petitioner

Mr. Shaswata Gopal Mukherjee, Sr. Adv.

Mr. Arnab Chatterjee

Ms. Dhanasree Biswas

Mr. Poulami Bose

...for the Petitioner

Mr. Ranabir Roy Chowdhury

Mr. Ratul Ghosh

...for the State

The prosecution case is that 748 gms. of heroin was allegedly recovered from the possession of the present petitioner and the petitioner is in custody for about one year and six months.

Learned counsel for the petitioner submits that the prosecution proposes to examine 14 witnesses out of which, they could examine so far only four witnesses and all these four witnesses have not supported the prosecution case and as such, there is hardly any chance of conviction of the present petitioner at the end of trial and the court may presume in absence of evidence that the petitioner is not guilty of committing the offence and as such, 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 exclusive possession of the present petitioner and the prosecution is yet to examine 10 more witnesses and as such, it is too early to say that the prosecution will not be able to prove its case.

Having considered the submissions made on behalf of both the parties and on perusal of the materials collected during investigation, I find that there are prima facie reasonable grounds for believing that the petitioner is guilty of committing the alleged offence and as such, the rigour of Section 37 of the NDPS Act clearly attracts in respect of the present petitioner in the instant case. Hence, the prayer for bail made by the petitioner is rejected.

Accordingly, CRM (NDPS) 616 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.)