

27.11.2025
Serial no. 80
[G.S.D]

CRM (NDPS) 637 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 **PTN Case No. 123 of 2025 arising out of Gazole PS Case No. 134 of 2025 dated 08.02.2025 u/s 21(c)/25/27A/29 of the NDPS Act, 1985.**

-And-

In the matter of : Rahul Kumar Yadav & Anr.

... .. Petitioner(s)

Mr. Akash Ghosh

... for the Petitioner(s)

Mr. Bibaswan Bhattacharya
Ms. Madhumita Basak

... 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 decisions 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.

Learned advocate also prays for bail of the petitioners on the ground that although 502 gm of brown sugar were recovered from the possession of both the petitioners, but the two petitioners are the staff and not owner of the concerned vehicle.

It has been notified on behalf of the State that charge-sheet has already been submitted before the learned jurisdictional court.

Having considered the commercial quantity of contraband seized, I am of opinion that Section 37 of the NDPS Act has been attracted, consequently, the prayer for bail of the petitioners is rejected.

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

The learned Trial court would ensure that the seizure list witnesses are examined at the earliest preferably within a period of four months.

However, the petitioners would be at liberty to renew their prayer for bail after examination of the seizure list witnesses are over.

Accordingly, CRM(NDPS) 637 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.)

