

234. 11.09.2025
Court
No.29. (Pritam)
(Rejected)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 639 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Bidhannagar South** Police Station Case No.**89/2024** dated **04.06.2024** under Sections **22(c)/25/29** of the Narcotic Psychotropic Substance Act, 1985.

And

In the matter of: - **Rashika Rajwar.**

.....petitioner.

Mr. Sabyasachi Banerjee,
Mr. Pawan Kumar Gupta,
Mr. Vijay Verma,
Mr. Subrata Saha,
Ms. Sofia Nehar,
Mr. Santanu Satt,
Mr. Abhik Biswas,
Mr. Anirban Sikhdar,
Mr. Subhasish Poddar.

...for the petitioner.

Mr. Debasish Roy, Ld. P.P.,
Ms. Sujata Das,
Mr. Prakash Mishra.

....for the State.

Prosecution case is that 105 grams of MDMA tablets were recovered from the joint possession of the present petitioner. Learned counsel appearing for the petitioner submits that there is anomaly in taking sample and sending it to the FSL department. While the record reveals that only 25 grams of sample was taken. The FSL report shows that they found 58.3923 grams of sample and while returning the same to police

it became 38.9142 grams. He further submits that in this case, Videography has not been properly done and the trial has been stalled as the warrant of arrest has been issued against the wrong person, who is not an accused in connection with the present proceeding.

Learned Public Prosecutor appearing on behalf of the State opposed the bail prayer and he relied on the judgment of the Apex Court in State of *Karnataka vs. Sri Darshan Etc.* reported in 2025 INSC 979, and contended that at the time of considering the application for bail, the court must take into account certain factors such as the existence of a *prima-facie* case against the accused, the gravity of the allegation, position and status of the accused, the legality of the accused fleeing from justice and repeating offences by tampering with the witnesses and obstructing the courts as well as the criminal antecedents of the accused and it is also well-settled that the court must not go deep into the merits of the matter. While considering the application for bail all that, needs to be established from the record is the existence of a *prima facie* case against the accused.

Having heard learned counsel on behalf of the petitioner and the State and also in view of the materials placed before me, it appears that there exists reasonable grounds for believing that the petitioner is *prima facie* guilty of alleged offence and as such he has failed to overcome the rigor of Section 37 of the NDPS Act. Therefore, prayer for bail is rejected.

However, trial court is requested to make every endeavour for expeditious conclusion of the trial and to come to a logical conclusion preferably within a period of 8 months from the next date of hearing.

The Trial court record be returned to the court below at once.

CRM (NDPS) 639 of 2025 is disposed of.

Urgent certified copy of this order, duly applied for, be given to the parties upon compliance with all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)