

12.08.2025
Ct. No.29

Sl. No.54
Mujahid
(Rejected)

C.R.M. (NDPS) 685 of 2025

In Re: An application for bail under Section 483 of the B.N.S.S., 2023 filed on 23.05.2025 in connection with Dhubulia P.S. Case No.28 of 2025 dated 18.01.2025 under Sections 20(b)(ii)C/25/29 of the NDPS Act, 1985.

And

In the matter of: **Rubel Khan**

....Petitioner

Mr. Sabyasachi Chatterjee,
Mr. Sayan Banerjee,
Mr. Kiran Sk,
Mr. Badrul Karim

...for the petitioner

Mr. Suman De,
Ms. Sima Biswas

...for the State

1. Prosecution case is that 148 kg of Ganja and one mobile phone was seized from one vehicle when the driver and another person fled away from the vehicle.

2. Petitioner submits that during investigation nothing was recovered from the possession of the present petitioner and the petitioner is in custody for about 166 days. He further submits that charge-sheet has not yet been submitted and forwarding report discloses that though the police prayed for taking him in custody, but even during police custody nothing was recovered from his possession. He further submits that the investigating in respect of the present petitioner has been advanced to a considerable extent and since regour of Section 37 of the NDPS

Act does not attract in respect of the present petitioner. He may be released on bail on any terms and conditions.

3. Learned counsel appearing on behalf of the State vehemently opposed the bail prayer contending that during investigation it transpires that the mobile phone which was left in the vehicle is the petitioner's mobile phone and as such he has direct involvement with the alleged offence, at the time of search and seizure, he managed to flee away from the spot. In this context, he pointed out materials in the case diary including page no.5, 17, 98 and 128 of the case diary.

4. Having heard learned counsel appearing on behalf of the petitioner and the State and that the investigation is still in progress and that the materials collected so far during investigation in respect of the present petitioner, it discloses that the regour of Section 37 of the NDPS Act clearly attracts in respect of the present petitioner. Therefore his prayer for bail is considered and rejected.

5. Accordingly, CRM (NDPS) 685 of 2025 is disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)