

27.08.2025
39
Bd.
Ct.29
(Rejected)

C.R.M. (NDPS) 669 of 2025

In Re:- An application for Bail under section 439 of the Code of Criminal Procedure 1973 as amended/ under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS Case No. 12 of 2021 arising out of Kotwali Police Station Case no. 67 of 2021 dated 23.01.2021 under Sections 21(c) of the NDPS Act, 1985.

And

In the matter of : **Sahidul Sekh Petitioner.**

Mr. Tapodip Gupta
Mr. Suman Bhanja

...for the Petitioner

Mr. Partha Pratim Das
Ms. Ayana Dey

...for the State

It is submitted on behalf of the petitioner that he was arrested on the strength of warrant of arrest on 3rd March, 2025 and since then he is in custody. He further submits that nothing was recovered from the conscious possession of the present petitioner.

However, the prosecution case is that 1500 bottles of cough syrup containing codeine phosphate was recovered from a vehicle. Prosecution further claimed that the vehicle is owned by the present petitioner, which is not true. Registered owner of said vehicle is one Ranjan De. He further submits that investigation has already been ended in chage-sheet on 21st July, 2024 and the charge has been framed on 11.04.2025 against the petitioner, who is the sole accused, but no prosecution witness could be examined so far and as such it will take a long time to conclude the trial and

considering his period of detention he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State strongly opposed the bail prayer contending that petitioner herein had executed 'Gari Bikray Chukti Patra' with the registered owner Ranjan De on 15.01.2021 with the help of notarial certificate and as such there is sufficient reason to believe that taking the said document as owner of the vehicle he had involved himself in dealing with the contraband substance.

Having heard learned counsel appearing on behalf of the petitioner and the State and also on perusal of the materials available in the case diary, I find that there is reason to believe that petitioner was in conscious possession of the contraband substance and as such the petitioner failed to overcome restrictions imposed under section 37 of the NDPS Act. Therefore, the prayer for bail is considered and rejected.

However, the trial court is requested to expedite the trial.

Both the parties are directed to communicate the order to Court below.

Accordingly, CRM (NDPS) 669 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.)