

12.08.2025
Ct. No.29

Sl. No.52
Mujahid
(Rejected)

C.R.M. (NDPS) 682 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 NDPS Case No.263/2021 arising out of NDPS Seizure Case No.13/NDPS/CL/Phensedyl/BCPU/CCP/WB/2021-22 dated 27/11/2021 under Sections 21(c)/29 of the NDPS Act, 1985.

And

In the matter of: **Sabur Molla**

....Petitioner

Mr. Tapdip Gupta,
Mr. Suman Bhanja

...for the petitioner

Mr. Himangsu De, Sr. Adv.,
Mr. R.R. Mhanty,
Ms. Manasi Mukherjee,
Mr. Bijitesh Mukherjee

...for the NCB

1. The prosecution case is that 2500 bottles of Phensedyl and containing codeine phosphate was recovered from a vehicle and two person, namely, Monim Mondal and Md. Alamin Mondal were allegedly found in the said vehicle. Petitioner's contention is nothing was recovered from his possession and his name transpired from co-accused statement. He further submits that said two co-accused persons and the other accused have already been acquitted by the Trial Court by its judgment dated 30th April, 2025. He further submits that he voluntarily surrendered before the Court on 2nd January, 2025 and since then he is in custody for about seven months.

Accordingly, he may be released on bail on any terms and conditions.

2. Learned counsel appearing on behalf of NCB opposed the bail prayer contending that petitioner is the owner of the vehicle from which the contraband was recovered. He further submits that immediate after recovery of contraband from his vehicles, the petitioner absconded for about four years and finding that the other three accused persons, are going to be acquitted he voluntarily surrendered before the Court. However, the present petitioner is not on the same footing with that of the other accused persons who have been acquitted and the *de novo* trial in respect of the present petitioner commenced and next date is fixed on 20th September, 2025 for evidence. He further submits that if the petitioner is released on bail, there is serious chance of his further abscontion and that the acquittal order dated 30th April, 2025 does not have any connection with the involvement of the present petitioner.

3. Having heard learned counsel appearing on behalf of the petitioner and also considering the past conduct of the petitioner and that the rigor of Section 37 of the NDPS Act attracts in respect of the present petitioner and that the trial in respect of present petitioner is in progress, the prayer for bail is rejected.

4. Accordingly, CRM (NDPS) 682 of 2025 is disposed of.

5. 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.)