

225
02.09.2025
Ct. 29
Jayanta
Rejected

C.R.M. (NDPS) 698 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Patiram Police Station case no. 3 of 2025 dated 01.01.2025 under Sections 21(c)/22 (c)/23 (c)/ 27A of the Narcotic Drugs and Psychotropic Substance Act, 1985;-

And

In the matter of : **Badiduja Ali @ Badariddoja Ali**
.... Petitioner

Mr. Ayan Bhattacharyya
Mr. K. Choudhury

...for the Petitioner

Mr. Joydeep Roy
Ms. Soma Naaz

...for the State

Mr. Ayan Bhattacharyya learned advocate appearing on behalf of the petitioner submits that the petitioner is in custody for about six months and no recovery was made from his possession. He was arrested on the basis of co-accused statement and the investigation has already been culminated into a charge sheet which has been submitted on 12th June, 2025 but the charge has not yet been framed and as such nobody knows when the trial would be concluded and considering his innocence he may be released on bail on any terms and conditions.

Learned advocate appearing on behalf of the state opposed the bail prayer contending that one of the co-accused Imran's bail prayer was rejected by this Court on 10th July, 2025 and the present petitioner is

almost on the same footing. He submits that Imran acts as an agent of the principal accused and the present petitioner acts as a sub-agent under Imran in dealing with the Narcotic Substances. He further submits that during investigation it is detected that the petitioner has made multiple phone calls within 10 days of the incident to Imran whose bail prayer has been rejected by this Court.

He submits that from the statements recorded during investigation and other materials disclose that a racket is functioning in transporting this Narcotic Substances of which the petitioner is one of the members.

In reply, learned advocate appearing on behalf of the petitioner referred an order passed by this Court in CRM (NDPS) 705 of 2025 and contended that CDR call details without having its transcription does not raise grave suspicion against the present petitioner to attract the rigor of Section 37 of the NDPS Act and as such in the absence of any recovery from the present petitioner, even after taking him in police custody, it would not be justified in detaining him any further in the custody.

I have considered submissions made on behalf of both the parties and also perused the materials available in the case diary. In view of the facts and circumstances of the case, I find that the petitioner

has failed to overcome the restrictions imposed under Section 37 of the NDPS Act and as such his prayer for bail is rejected.

Accordingly, CRM (NDPS) 698 of 2025 is disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)