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C.R.M. (NDPS) 726 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with N case no. 15 of 2024 arising out of Gaighata Police Station case no. 164 dated 21.02.2024 under Sections 21(c)/25/28/29 of the NDPS Act 1985.

And

In the matter of : **Subhas Sil**

.... Petitioner

Mr. Karan Dudhwewala
Mr. S. Pandey

...for the Petitioner

Mr. Anasuya Sinha
Ms. Puja Goswami

...for the State

The prosecution case is that 5975 bottles of phensidyl syrup containing codeine phosphate was allegedly recovered from a truck which was driven by one Upendra Mahato and upon the statement of Upendra Mahato, one Dhiraj Halder was arrested and pursuant to his statement, 5000 bottles of phensidyl syrup was recovered. However, Dhiraj Halder has been granted bail by the Apex Court and thereafter, the principal accused, Upendra Mahato has also been granted bail by this court.

Learned counsel for the petitioner submits that the petitioner is innocent and no way involved with the alleged offence. He further submits that he is in custody for about seven months and the charge-sheet has been submitted in the present case. He further submits that prosecution case is that pursuant to his statement, while he was in custody, 150 liters

of phensidyl syrup was purportedly recovered and seized on 15.1.2025 at 1 A.M. from a hut by the side of service road on Durgapur Expressway near Dankuni, which is accessible to everyone. There is nothing to show that petitioner had any control of said hut or he was in conscious possession of said contraband at any point of time. He further submits that he is almost on the same footing with the other co-accused persons who are on bail and as such, he may be released on bail on any terms and conditions.

Learned counsel for the State opposed the prayer for bail contending that pursuant to the statement of the petitioner, huge quantity of contraband were recovered and he has direct involvement with the alleged offence and as such, if he is released on bail, there is serious chance of his abscondance which will cause miscarriage of justice. She further submits that the petitioner refused to take notice under Section 67 of the NDPS Act on four occasions. She further submits that the charge has already been framed and the evidence is going on before the Trial court at regular interval.

Having considered the submissions made on behalf of both the parties and that the materials placed before me, discloses that petitioner has failed to overcome the restrictions imposed under Section 37 of the NDPS Act, the prayer for bail made by the petitioner is rejected.

However, the Trial court is requested to expedite the trial and to make every endeavour to conclude the trial at an

earliest possible date. Both the parties will communicate the order to the Trial court immediately.

Accordingly, CRM (NDPS) 726 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.)