

26.09.2025

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Rejected

C.R.M. (NDPS) 828 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Special case no. 35 of 2024 arising out of Kaliachak Police Station case no. 722 of 2024 dated 23.5.2024 under Sections 21(c)/25/27A/29 of the NDPS Act, 1985.

And

In the matter of : **Md. Batasu Sk.**

.... Petitioner

Mr. Sagar Saha

Mr. N. Mukhopadhyay

...for the Petitioner

Mr. Rudradipta Nandy

Mr. Mainak Gupta

...for the State

Learned counsel for the petitioner submits that the contraband was recovered from an open place and after nine months of alleged recovery, he was arrested and was taken into police custody for ten days but nothing was recovered from his possession. He further submits that he is in custody for about eight months 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 the petitioner was fled away at the relevant time from the spot seeing police personnel but he is FIR named and has direct involvement with the alleged offence and the petitioner is involved in the business and supply of narcotic substance like phensedyl syrup containing codeine phosphate for illegal gain of money and he has several criminal antecedents and there is every possibility in the event

of granting him bail, he will abscond and will indulge himself with the similar kind of offence.

Having considered the submissions made on behalf of both the parties and also considering the petitioner's criminal antecedent and that if he is released on bail, there is serious chance of his absconsion and that likelihood of committing similar type of offence by the petitioner if released on bail cannot be ruled out and as such, the petitioner failed to overcome the restrictions imposed under Section 37 of the NDPS Act, the prayer for bail made by the petitioner is rejected.

Accordingly, CRM (NDPS) 828 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.)