

**24.03.2025**  
**26**  
**Court No.26**  
**S.D.**  
**Rejected**

## **CRM (NDPS) 1000 of 2024**

In re: An Application for **Bail** under Section **439** of the Code of Criminal Procedure, 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **South Port Police Station Case no. 185 of 2022** dated **10.12.2022** under Sections **20(b)(ii)(c)/29/35** of the NDPS Act.

-And-

**In the matter of: Md. Mosaraf Khan @ Bachha**

... .. Petitioner

Mr. Rajat Sinha Roy

Mr. Udayan Chakraborty

... .. For the Petitioner

Mr. Mr. Rudradipta Nandy, Ld. APP

Ms. Rita Dutta

... ...For the State

On the plea of bone marrow transplant of his son, the petitioner is on an interim bail since July 2024.

There is no document on record presently to suggest that there is any possibility of a bone marrow transplant of the child of the petitioner as claimed occurring any time in the near future.

This plea cannot be taken to keep the petitioner on an interim bail for eternity.

Commercial quantity of contraband was seized from a vehicle in which the petitioner was present.

Constructive possession of the petitioner over the commercial quantity of contraband cannot be overlooked.

Trial is in progress.

Keeping the petitioner enlarged on interim bail may affect the trial.

Petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.

In such circumstances, we are not inclined to extend the period of interim bail subsisting in favour of the petitioner or grant bail to the petitioner.

Petitioner will surrender before the Jurisdictional Court within seven days from date. In default appropriate steps be taken by the Jurisdictional Court.

The application being **C.R.M. (NDPS) 1000 of 2024** stands **dismissed**.

**(Debangsu Basak, J.)**

**(Smita Das De, J.)**