

23.07.2025

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C.R.M. (NDPS) 850 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS case no. 62 of 2024 arising out of Bhimpur Police Station case no. 190 of 2024 dated 14.07.2024 under Sections 21(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Rajib Biswas**

.... Petitioner

Mr. Tapodip Gupta

...for the Petitioners

Mr. Saryati Dutta

Ms. Sana Naaz

...for the State

The prosecution case is that 20000 bottles of phensedyl cough syrup containing codeine phosphate was recovered from the joint possession of the present petitioner. Learned counsel for the petitioner submits that investigation has already been culminated into a charge-sheet and the prosecution is required to examine 39 witnesses but they could not examine a single witness till today. The petitioner is in custody for about one year and as such, he may be released on bail on any terms and conditions.

Learned counsel for the State vehemently opposed the bail prayer contending that five accused persons are still absconding. However, by the last order dated 8th May, 2025, the record has been splited and the next date is fixed on 13th August, 2025. He further submits that the prayer for bail of the owner of the truck has been rejected by this court vide order dated 30th May, 2025.

Having considered the submissions made on behalf of both the parties and that rigour of Section 37 of the NDPS Act clearly attracts in the present case in respect of the present petitioner and that the delay in trial is attributable to the accused persons, the prayer for bail made by the petitioner is rejected.

Accordingly, CRM (NDPS) 850 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.)