

16.09.2025
Sl. no. 254
Ct. No. 29
P.M.

C.R.M. (NDPS) 881 OF 2025

In Re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with Gaighata Police Station Case No. 778 of 2024 dated 28.08.2024 under Sections 21(C)/25/28/29 of the NDPS Act.

And

In the matter of : **Sukumar Ghosh.**

.... Petitioner

Mr. Ivan Roy

.... For the petitioner

Mr. Joydeep Roy,

Ms. Dattatreya Dutta

... for the State

The prosecution case is that huge quantity of Phensedyl cough syrup containing codeine phosphate was recovered from the vehicle which is owned and was driven by the present petitioner.

Petitioner submits that he is in custody for more than one year i.e. from 28th August, 2024 and though the charge sheet was submitted on 15th February, 2025 but the charge has not yet been framed, as such nobody knows when the trial would commence and considering his period of detention he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State opposed the bail prayer contending that petitioner has direct complexity with the alleged offence and the charge could not be framed as one accused is still absconding and at the instance of the

defence the charge could not be framed on three consecutive dates from 4th September, 2025.

Having heard the learned counsel appearing on behalf of the petitioner and the State and that rigour of Section 37 of the NDPS Act clearly attracts in respect of the present petitioner and as such prayer for bail made by the petitioner is considered and rejected.

CRM (NDPS) 881 of 2025 stands disposed of.

The Status report submitted by the State is taken on record.

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

(Dr. Ajoy Kumar Mukherjee, J.)