

29.07.2025

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SR

Rejected

CRM (NDPS) 893 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Domjur Police Station Case No.547 of 2023 dated 03.08.2023 corresponding to R.R. Case No.21 of 2023 under Section 20(b)(ii)(c) of NDPS Act, 1985.

and

In the matter of : Bapan Sk.

.... Petitioner

Mr. Sk. Toslim Ali

...for the Petitioner.

Mr. Avishek Sinha

Ms. Puja Goswami

... for the State.

It is submitted on behalf of the petitioner that 164 kgs. of Ganja was allegedly recovered from the possession of the present petitioner but the present petitioner is in custody for about one year ten months. He further submits that a co-accused of this case, namely, Jhantu Molla was granted bail by this Court and he is almost on the same footing. He further submits that the prosecution proposed to examine nine witnesses, out of which till date they could examine only one witness and nobody knows when the examination of the rest witnesses would be concluded and, as such, he may be released on bail on the touchstone of Article 21 of the Constitution of India.

Learned counsel appearing on behalf of the State vehemently opposed to the bail prayer contending that the present petitioner has criminal antecedent and, as such, he is not on the same footing with that of the accused, namely,

Jhantu Molla. He further submits that the present petitioner is also involved in connection with Berhampore Police Station Case No.45 dated 23rd January, 2025 and in that case his conduct shows that after submission of charge-sheet he never appeared before the Court and for which, trial could not be started in the said proceeding and for last seven years the case is fixed for charge hearing.

Having considered the submissions made on behalf of the petitioner and the State and also considering the fact that the petitioner has a criminal antecedent and his past conduct is not satisfactory in connection with the said Berhampore Police Station Case No.45 and that, if he is released on bail there is serious chance of further abscondence, his prayer for bail is disposed of.

Accordingly, CRM (NDPS) 893 of 2025 is disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)