

12.8.2025

akb

Sl. 22

Ct.29

Rejected

CRM (NDPS) No. 913 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS case no. 69 of 2025 arising out of Lalgola Police Station case no. 320 of 2025 dated 18.4.2025 under Sections 21(c)/27A/29 of the NDPS Act, 1985.

And

In re: Murtoja Sk. & Anr.

... petitioners

Mr. Mayukh Mukherjee

Ms. Riya Das

Mr. Tamal Singha Roy

...for the petitioners

Mr. Bitasok Banerjee

Mr. Dipankar Paramanick

...for the State

Compliance report given by the Deputy Inspector General, Mushidabad range dated 25.7.2025 is taken on record.

Mr. Mukherjee, learned counsel for the petitioners submits that the prosecution case is 455 gms. of heroin was allegedly recovered from the three accused persons out of which, two are the present petitioners. However, he submits that one of the petitioners was arrested from his home and the other from a restaurant and they were brutally tortured taken them to the armory and for which, a writ application has been preferred before this court, which is pending for disposal. He further submits that the petitioners have been falsely implicated and they are in custody since 17th April, 2025 and in fact, nothing was recovered from their possession.

Learned Counsel appearing on behalf of the State opposed the bail prayer made by the petitioners contending that investigation is still in progress and they have received chemical examination report. He further submits that seizure list has been signed by the two petitioners and it clearly reflects and 455 gms. of heroin was recovered

from their possession.

Having considered the submissions made on behalf of the petitioner and the State and also on perusal of the materials available in the case diary, I find that the petitioners failed to overcome the restrictions imposed under Section 37 of the NDPS Act and the investigation is still in progress and as such, the prayer for bail is rejected.

The application, being CRM (NDPS) 913 of 2025 is accordingly 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.)