

17.09.2025
Sl. no. 194
Ct. No. 29
P.M.

C.R.M. (NDPS) 923 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 Tehatta Police Station Case No. 922 of 2024 dated 17.12.2024 under Sections 21(C) /29 of the NDPS Act arising out of NDPS Case No. 120 of 2024.

And

In the matter of : **Enamul Malitha.**

.... Petitioner

Mr. Asraf Mondal,
Ms. Sanjana Saha

.... For the petitioner

Mr. Joydeep Roy,
Mr. Santanu Deb Roy

... for the State

Learned counsel appearing on behalf of the petitioner submits that nothing was recovered from the possession of the petitioner but according to the prosecution case he is the owner of the vehicle wherefrom five thousand bottles of cough syrup containing codeine phosphate was recovered. Learned counsel further submits that he has given authorisation to one Saidul Sk. to drive the said vehicle and as such he does not have any knowledge or connection with the alleged offence. He is in custody since 29th January, 2025. Investigation has already been culminated into a charge sheet and as such his further detention may not be required and 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 investigation discloses that the petitioner fled away keeping the vehicle on the spot wherefrom five thousand bottles of phensedyl containing codeine phosphate was recovered. Investigation reveals that he has direct involvement with the alleged offence.

Having heard the learned counsel appearing on behalf of the petitioner and the State and from the materials placed before me I find that there are reasonable grounds for believing that the petitioner has direct involvement with the alleged offence and as such rigour of Section 37 of the NDPS Act clearly attracts in the present case in respect of the present petitioner, his prayer for bail is considered and rejected.

CRM (NDPS) 923 of 2025 stands disposed of.

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.)