

12.8.2025

akb

Sl. 25

Ct.29

Rejected

CRM (NDPS) No. 930 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. 63 of 2025 arising out of Berhampore Police Station case no. 611 of 2025 dated 26.3.2025 under Sections 20(b)(ii)(C)/29 of the NDPS Act, 1985.

And

In re: Hasim Sk.

... petitioner

Mr. Somnath Adhikary

...for the petitioner

Ms. Faria Hossain

Ms. Mousumi Sarkar

...for the State

The prosecution case is that 143 kgs. of ganja was recovered from the three accused persons and the name of the present petitioner transpired from the co-accused statement.

Learned counsel for the petitioner submits that the day on which, the alleged search and seizure took place, the petitioner was in a rehabilitation centre and he has been arrested on 18th April, 2025 and since then, he is in custody on the basis of false case lodged by the police out of grudge. He further submits that since no recovery was made from his possession, the rigour of Section 37 does not attract in respect of the present petitioner and as such, he may be released on bail on any terms and conditions.

Learned Counsel appearing on behalf of the State opposed the bail prayer made by the petitioner contending that the petitioner was in the rehabilitation centre from 30th March, 2025 to 17th April, 2025 and he was arrested on 18th April, 2025. She further submits that following the co-accused statement, the name of the present petitioner transpired and thereafter, the petitioner was arrested from Fatepur Bus Stand with 2.63 kgs. of ganja as per seizure list dated 18.4.2025.

She further submits that the investigation is still in progress and that the petitioner has criminal antecedents and he is involved in 25 criminal cases and as such, if he is released on bail, there is every likelihood of committing further offence by the petitioner.

Having considered the submissions made on behalf of the petitioner and the State and that the rigour of Section 37 of the NDPS Act clearly attracts in respect of the present petitioner, the prayer for bail is considered and rejected.

The application, being CRM (NDPS) 930 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.)