

21.08.2025
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SB
Rejected

C.R.M. (NDPS) 931 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS case no. 06 of 2025 arising out of Berhampore Police Station case no. 2126 of 2024 dated 28.12.2024 under Sections 21(c)/29 of the NDPS Act 1985.

And

In the matter of : **Lalchand Sk.**

.... Petitioner

Mr. Somnath Adhikari

...for the Petitioner

Mr. Rana Mukherjee

Mr. Sujjan Chatterjee

...for the State

Report submitted by the State dated 17.8.2025 is taken on record.

Prosecution case is that 40 bottles of cough syrup containing codeine phosphate was recovered from the joint possession of the present petitioner and one co-accused.

Learned counsel for the petitioner submits he is suffering from HIV disease and he is in custody since 24th March, 2025. He further submits that the charge-sheet has been submitted but the charge has not yet been framed and as such, nobody knows when the trial would be concluded. In such circumstances, he may be released on bail on any terms and conditions.

Learned counsel for the State placed the medical report and contended that the health condition of the petitioner is stable and he is getting proper treatment from the correctional

home. He further submits that commercial quantity of contraband was recovered from the possession of the present petitioner and the present petitioner has five criminal antecedents.

Learned counsel for the petitioner, in reply, submits that in all those five cases, the petitioner is on court bail.

Having considered the submissions made on behalf of both the parties and that the petitioner fails to overcome the restrictions imposed under Section 37 of the NDPS Act, the prayer for bail made by the petitioner is rejected.

Accordingly, CRM (NDPS) 931 of 2025 is 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.)