

28.08.2025
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SB
Rejected

C.R.M. (NDPS) 945 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. 82 of 2024 arising out of Murutia Police Station case no. 270 of 2024 dated 10.9.2024 under Sections 21(C)/29 of the NDPS Act 1985.

And

In the matter of : **Sasanka Shekhara Biswas**

.... Petitioner

Mr. Joydeep Biswas

Mr. Sumanta Das

Mr. Kaushik Ghosh

...for the Petitioner

Mr. Avishek Sinha

Mr. Atanu Ghosh

...for the State

Learned counsel for the petitioner submits that 12,300 bottles of phensedyl syrup containing codeine phosphate was allegedly recovered from an abandoned building and the name of the petitioner transpired from the co-accused statement. He further submits that anticipatory bail prayer of the present petitioner was rejected earlier while the investigation was continuing and thereafter, he was arrested and produced before the court below on 20th December, 2024 and since then, he is in custody. He further submits that four other co-accused persons whose name transpired from the statement of the present petitioner, have already obtained bail. He further submits that he is almost on the same footing with that of the four co-accused and considering his period of detention, he may be released on bail on any terms and conditions.

Learned counsel for the State opposes the bail prayer contending that while this High Court rejected anticipatory bail prayer of the present petitioner, has observed that the petitioner has the control over the building from which, the huge quantity of narcotic substance was recovered. He further submits that during investigation, it transpired that the land upon which the building situates is owned by the parent of the petitioner and petitioner was developing the said property. Accordingly, the petitioner has conscious possession as the building was under complete control of the present petitioner. He further submits that the investigation has already been ended in a charge-sheet.

Having considered the submissions made on behalf of both the parties and on perusal of the materials placed before me, I find that the present petitioner failed to overcome the restrictions imposed under Section 37 of the NDPS Act and as such, the prayer for bail made by the present petitioner is rejected.

However, the Trial court is requested to expedite the trial and to come to a logical conclusion at the earliest. Both the parties will communicate the order to the Trial court immediately.

Accordingly, CRM (NDPS) 945 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.)