

04.9.2025

akb

Sl. 231

Ct.29

Rejected

CRM (NDPS) No. 964 of 2025

In re: An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with the NDPS
Case No. 27 of 2025 arising out of Hili Police Station Case No. 91 of
2025 dated 28.04.2025 under Sections 20(b)(ii)(c)/27A/28 of the
NDPS Act, 1985.

And

In re: Kajali Mahata

... petitioner

Mr. Kaushik Choudhury

Mr. Rakesh Jana

...for the petitioner

Mr. Antarikhya Basu

Ms. Sanjida Sultana

...for the State

Learned Counsel appearing on behalf of the petitioner submits
that 93 kgs. 400 gms. of Ganja was recovered from one co-accused
Kanchan and verifying his statement, the name of the present
petitioner was transpired and leading her statement, only 2 kgs, 64
gms. of Ganja was recovered from her possession, which is below
commercial quantity and that the petitioner is not FIR named and as
such she being a lady accused may be released on bail on any terms
and conditions.

Learned Counsel appearing on behalf of the State vehemently
opposed the bail prayer contending that it is well settled that
subsequent recovery on the basis of co-accused statement cannot be
treated separately and furthermore, the materials available in the Case
Diary discloses that she is a habitual offender having five antecedents
and moreover from the co-accused statement it transpired that entire
narcotic substances was stored in the house of the present petitioner,
who resides close to Indo-Bangladesh Border and she is the kingpin
of the smuggling business. It is further submitted on behalf of the
State that the investigation is still in progress and if she is released on

bail, there is serious chance of abscondence.

Having heard learned Counsel appearing on behalf of the petitioner and the State and also on perusal of the materials it appears that the petitioner failed to overcome the restrictions imposed in Section 37 of the NDPS Act and as such her prayer for bail is considered and rejected.

The Memo of evidence produced in Court by the learned Counsel for the State, is taken on record.

The application, being CRM (NDPS) 964 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.)