

D/L 5
20-08-2025
Ct. No.446
Saikat
(Rejected)

CRM (A)/2723/2025

**VINOD PANDEY @ VINOD KUMAR PANDEY
VS.
UNION OF INDIA REPRESENTED BY THE
INTELLIGENCE OFFICER, NCB**

In Re: Application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita filed in connection with NCB Crime No.15/NCB/KOL/2024 under Sections 8(c)/21(C)/25/27A/29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

Mr. Angshuman Chakraborty, Adv.
Mr. S.S. Saha, Adv.

...For the Petitioner

Mr. Anirban Mitra, Adv.
Mr. Kalidas Saha, Adv.

...For the UOI/NCB

1. Heard the submissions of both the learned counsels appearing for the parties.
2. It is submitted by the learned advocate appearing on behalf of the petitioner that no contraband narcotic substance was recovered from the petitioner and no involvement will be found from the four corner of Case Diary. It is further submitted that charge-sheet has been submitted and the petitioner has been falsely implicated in this case.
3. The learned counsel appearing on behalf of NCB raises strong objection on the score that his name reveals from the co-accused and the allegations are very serious in nature since 14998 bottles of Phensedyl containing codeine phosphate were recovered and accordingly, prays for rejection of the pre-arrest bail of the petitioner, which if allowed would have serious implication.

4. Perused the materials in the Case Diary.
5. The fact remains that the charge-sheet has been submitted. Primarily other than the statement of the co-accused, no such material is found to implicate the petitioner in this case, at the same time, it cannot be overlooked the gravity of the offence which not relates to smuggling of huge quantity of contraband narcotic substance to other countries. More so, the petitioner is a resident of Uttar Pradesh.
6. That apart, it transpires on perusal of the entire Case Diary that on three occasions notices were sent to the accused which he neither complied with nor gave any reply and throughout he evaded the investigation and filed this application at a belated stage.
7. In view of the aforesaid facts and circumstances, carefully considering the gravity of offence, statement made against the petitioner and more so, the quantity of seized Phensedyl, which attracts the rigour of section 37 of the NDPS Act, this Court is not inclined to extend the benefit of section 482 of B.N.S.S.
8. Accordingly, prayer for anticipatory bail stands rejected.
9. The application for anticipatory bail is thus disposed of.
10. Case Diary is, however, returned.
11. Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.
12. Parties are directed to act on the server copies of this order duly uploaded from the official website of this Court.

[Chaitali Chatterjee (Das), J.]