

01
29.10.2025
Ct. 40
Jayanta

C.R.M. (NDPS) 973 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, filed in connection with Bhimpur Police Station case no. 242 of 2024 dated 09.09.2024 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985;-

And

In the matter of : **Enamul Molla**

.... Petitioner

Adv. Sabir Ahmed
Adv. Tasnim Ahamed
Adv. Ezaz Ahmed

...for the Petitioner

Adv. Bibaswan Bhattacharya
Adv. D. Mondal

...for the State

1. Mr. Ahmed, learned counsel appearing for the petitioner, referring to Section 50 of the NDPS Act, 1985 submitted that the conditions prescribed by the provision was flouted at the time of search and seizure which is manifest from the charge sheet itself.
2. According to Mr. Ahmed, this infringes the fundamental right of the petitioner enshrined in Article 21 of the Constitution of India.
3. The learned Public Prosecutor produced the Case Diary and submitted that incriminating elements are there against the present petitioner and that trial is in progress.

4. Perused the Case Diary. Proper search and seizure is a question of fact which in course of trial needs to be decided and the trial judge shall form his opinion and shall pass necessary order/judgment.
5. It is not a case where trial is halted. Therefore, at this stage, I am not inclined to allow bail to the present petitioner as prayed for. However, the petitioner is at liberty to move bail application before the learned Trial Court: In such contingency the learned Trial Court may consider bail without being influenced by this order.
6. Accordingly, the instant application stand disposed of.
7. There shall, however, be no order as to costs.
8. Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Sugato Majumdar, J.)