

18.09.2025
Ct. No.29

Sl. No.200
Mujahid
(Rejected)

C.R.M. (NDPS) 1098 of 2025

In Re: An application for bail under Section 483 of the B.N.S.S., 2023 filed on 01.09.2025 in connection with Sagardighi P.S. Case No.174 of 2024 dated 30.04.2024 under Sections 20(b)(ii)(c)/29 of the NDPS Act, 1985.

And

In the matter of: **Abdul Lipon Miah**

....Petitioner

Mr. Sabir Ahmed,
Mr. Shraman Sarkar,
Mr. Tasnim Ahmed,
Mr. Dhiman Banerjee,
Mr. Quazi Ezaz Ahmed

...for the petitioner

Mr. Subhamoy Bhattacharya,
Mr. Sharequl Haque

...for the State

1. Mr. Ahmed, learned counsel appearing on behalf of the petitioner submits that nothing was recovered from the possession of the present petitioner and he voluntarily surrendered before the Court on 4th August, 2025 and since then he is in custody. He further submits that investigation has already been ended in the charge-sheet on 19th October, 2024. He further submits that other accused persons from whom recovery was made, have already been granted bail and he is on better footing and as such he may be released on bail on any terms and conditions.

2. Learned counsel appearing on behalf of the State opposed the bail prayer and contended that recovery huge amount of contraband is involved in this case and during investigation, it transpired that the petitioner being the supplier of huge contraband is the kingpin of the gang and he being the owner of the contraband substance deputed the other accused persons who were arrested for selling the same. Furthermore, there are call details record which shows that the petitioner had made constant communication with accused Rajib Alam, though he has been granted bail. He further submits that the other accused person, namely, Haidar Miah has been granted bail relying upon the judgment of Edul Miah, 2024 SCC OnLine Cal 9109, but the ratio laid down in Edul Miah is no longer a good law and issue is pending before the Hon'ble Apex Court and he further submits that one accused person is still absconding and for which the charge has not yet been framed.

3. Having heard learned counsel appearing on behalf of the petitioner and the State and that the material available in the case diary discloses that there are sufficient reason to believe the petitioner's involvement with the alleged offence and therefore the twin restrictions of Section 37 of the NDPS Act *prima facie* attracts in respect of the present petitioner and for which the prayer for bail is rejected.

4. Accordingly, CRM (NDPS) 1098 of 2025 is disposed of.

5. Urgent photostat certified copy of this order, duly applied, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)