

25.09.2025
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Rejected

C.R.M. (NDPS) 1149 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. 110 of 2024 arising out of Bhagwangola Police Station case no. 535 of 2024 dated 21.10.2024 under Sections 21(c)/29 of the NDPS Act 1985.

And

In the matter of : **Obaidul Sk. @ Rubet Sk. @ Obaidul Hoque**
.... Petitioner

Mr. Arnab Chatterjee
Mr. Anisur Rahman

...for the Petitioner

Mr. Bibhaswan Bhattacharya
Mr. Bikram Mitra

...for the State

Prosecution case is that 57 bottles of cough syrup containing codeine phosphate was recovered from one Jamirul Sk.

Learned counsel for the petitioner submits that nothing was recovered from the possession of the present petitioner. He further submits that in connection with another Jiaganj Police Station case no. 418 of 2024, the recovery of 120 bottles of cough syrup containing codeine phosphate was made from the possession of the present petitioner and he was arrested seven days after initiation of the present proceeding in connection with said case. Thereafter, the petitioner was shown arrested in connection with the instant proceeding on 16.11.2024 on the basis of co-accused statement and since then, he is in custody. The investigation

has already been culminated into a charge-sheet and the prosecution proposes to examine 13 charge-sheeted witnesses but the trial has not yet started and as such, nobody knows when the trial would commence and as such, he may be released on bail on any terms and conditions.

Having considered the submissions made on behalf of both the parties and that the petitioner has criminal antecedent and as such, likelihood of committing similar type of offence by the petitioner if released on bail cannot be ruled out and as such, the petitioner failed to overcome the restrictions imposed under Section 37 of the NDPS Act and as such, the prayer for bail made by the petitioner is rejected.

Accordingly, CRM (NDPS) 1149 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.)