

18.12.2025

Court No.35.

M/L. 707.

Rakib

(rejected)

CRM (NDPS) 1398 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Haringhata Police Station case no. 661 of 2024 dated 17.12.2024 under Sections 20(b)(ii)(c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : Feraul Haque.

.....Petitioner.

Mr. Soumyajit Das Mahapatra

Mr. Golam Nure Imruhi

.....for the Petitioner.

Mr. Kaushik Kundu

Mr. Ratul Ghosh

.....for the State.

Learned advocate for the petitioner submits that more than 120 kg of ganja is the subject matter of the case from the vehicle and from the present petitioner 41 kg of ganja has been recovered. Learned advocate also referred to the order passed in Writ Petition (Criminal) no. 471 of 2025 wherein by an order dated 12.11.2025 ad interim bail was granted relying upon the judgment of Mihir Rajesh Shah –Vs. – State of Maharashtra & Anr. (Criminal Appeal No. 2195 of 2025). Learned advocate submits that there is retrospective effect given by the Hon'ble Supreme Court in respect of arrest which were effected prior to the delivery of the judgment in Mihir Rajesh Shah (supra).

Learned advocate for the State opposes the prayer for bail and submits that commercial quantity of contraband was seized.

Having considered the quantum of recovery, I am of the view that the rigors of Section 37 of the NDPS Act is attracted.

As such, the prayer for bail of the petitioner in CRM (NDPS) 1398 of 2025 is **dismissed**.

It has been pointed out that the charges till date have not been framed, learned trial Court is directed to split up the trial of the case after exhausting the process of law against the absconding accused and after consideration of charges give priority for examination of the seizure list witnesses.

Petitioner would be at liberty to approach this Court after the evidence of the seizure list witnesses are completed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)