

03.12.2025

Court No.35.

D/L. 05.

Rakib

(Rejected)

CRM (NDPS) 1540 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 NDPS case no. 23 of 2025 arising out of Hili Police Station case no. 58 of 2025 dated 21.03.2025 under Sections 21(c)/22(c)/23(c)/27A of the Narcotic Drugs and Psychotropic Substances Act, 1985 read with Section 27(a)/27(b)(ii)/27A of the Drugs & Cosmetics Act.

And

In the matter of : Prakash Khatik

.....Petitioner.

Mr. Milon Mukherjee, Sr. Adv,

Mr. Biswajit Manna

.....for the Petitioner.

Ms. Rituparna De Ghose

Ms. Kanchan Roy

.....for the State.

Learned senior advocate appears on behalf of the petitioner, prays for bail on the ground that the petitioner was taken into custody on or about 03.04.2025 and since then he is in custody. It has been emphasized that initially there was no recovery from the present petitioner but he was arrested on the basis of the statement of the co-accused and subsequently during his PC period the recovery has been shown on or about 05.04.2025.

Learned advocate for the State submits that charge-sheet has been submitted, FSL report has already been received, commercial quantity of contraband/Yaba Tablets have been recovered and efforts are being made by the investigating agency for tracing out the other absconding accused, although,

the said accused has preferred an application for anticipatory bail which is pending.

Having regard to the present stage of the case and the fact that commercial quantity of contraband has been recovered, I am of the view that the rigors of Section 37 of NDPS Act are attracted.

As such, the prayer for bail of the petitioner being CRM (NDPS) 1540 of 2025 is **dismissed** as this stage.

Case Diary be returned to the learned advocate for the State.

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.)