

26.02.2025  
Item No.19  
Court No. 26  
CHC  
**Rejected**

### **CRM (NDPS) 2007 of 2024**

In re : An Application for **Bail** under Section 439 of the Code of Criminal Procedure, 1973/Section **483** of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Krishnaganj** Police Station Case No. **486** of **2023** dated **02.12.2023** under Sections **21(c)/20(b)(A)** of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 25(1-B)(a) of the Arms Act, corresponding to NDPS Case No.85 of 2023.

-And-

In the matter of : **Bimal Biswas**

... ..**Petitioner**

Mr. Prabir Majumder, Advocate  
Mr. Dipanjan Chatterjee, Advocate  
Ms. Sangeeta Chakraborty, Advocate  
Ms. Kakan Das, Advocate  
... .. For the Petitioner

Mr. Jaydeep Ray, Jr. Govt. Advocate  
Mr. Rajes Jana, Advocate  
... ..For the State

1. Petitioner prays for bail.
2. Learned advocate appearing for the petitioner submits that, no contraband was recovered from the possession of the petitioner. The alleged recovery was not vidiographed. Forensic Science Laboratory report was not submitted along with charge sheet. Petitioner is falsely implicated.
3. Learned advocate appearing for the State submits that, the commercial quantity of contraband was seized from the house belonging to the petitioner. The trial is in progress. F.S.L

report was submitted along with charge sheet. The seizure was videographed by the Border Security Force authorities.

4. Materials on record demonstrate that, the trial is in progress. F.S.L report stands submitted before the jurisdictional Court. There is videography of the search and seizure made by the B.S.F authorities.
5. Commercial quantity of contraband was seized from the house belonging to the petitioner.
6. Constructive possession of the petitioner over the seized commercial quantity of contraband cannot be overlooked at this stage.
7. In such circumstances, we are of the view that, the petitioner is unable to overcome the restrictions under Section 37 of the N.D.P.S. Act. We are not inclined to grant bail to the petitioner.
8. Prayer for bail of the petitioner is **rejected**.
9. CRM(NDPS) 2007 of 2024 is **dismissed**.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**