

3.11.2025

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Ct no. 3

Rejected

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

C.R.M. (NDPS) 412 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. 231 of 2025 arising out of Bhaktinagar Police Station case no. 322 of 2025 dated 11.4.2025 under Sections 21(c)/22(c)/25/29 of the NDPS Act 1985.

And

In the matter of : **Somnath Bhujel @ Anand**
.... **Petitioner**

Mr. Joydeep Kanta Bhowmik

Mr. Sayantan Bhowmik

Ms. Sayantani Das

Mr. Subham Kumar

...for the Petitioner

Mr. Tapan Bhattacharjee

Mr. Dhiman Sil

...for the State

Learned counsel for the petitioner submits that this is renewal of his bail prayer. The petitioner is innocent and has been falsely implicated with this case only on the allegation that vehicle's permit stands in his name. However, immediate after learning his implication, he surrendered before the police station on 12.4.2025 and he was arrested and since then, he is in custody. He further submits that though he was taken in police custody but nothing was recovered from his possession and he is suffering from incarceration for a period of 206 days. He further submits that the investigation has already been culminated in a charge-sheet and as such, his further detention will not yield any fruitful result. He further submits

that his earlier bail order was rejected on the ground that the investigation was still in progress. Accordingly, he may be released on bail on any terms and conditions.

Learned counsel for the State opposed the prayer for bail contending that the petitioner was also in the truck but at the time when the vehicle was intercepted, he managed to flee away from the spot. However, when the driver of the vehicle i.e. the other accused was arrested, he immediately discloses the name of the present petitioner and as such, it cannot be said that he was not in conscious possession. Moreover, the permit of the vehicle stands in his name and the investigation has already been ended in charge-sheet and it would not take much time to commence the trial.

Having considered the submissions made on behalf of both the parties and that the investigation prima facie discloses that there are reasonable grounds for believing that the petitioner has direct involvement with the alleged offence, I find that the petitioner has failed to overcome the restrictions imposed under Section 37 of the NDPS Act in the instant case and as such, the prayer for bail made by the petitioner is rejected.

However, the Trial court is requested to expedite the trial and to conclude the same at the earliest. Both the parties will communicate the order to the Trial court immediately.

Accordingly, CRM (NDPS) 412 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.)