

31.10.2025

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SB

Ct no. 3

Rejected

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

C.R.M. (NDPS) 420 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. 61 of 2025 arising out of Madarihat Police Station case no. 37 of 2025 dated 2.4.2025 under Sections 21(c)/25/27A of the NDPS Act 1985.

And

In the matter of : **Rabiul Islam**

.... Petitioner

Ms. Juin Dutta Chakraborty ...for the Petitioner (VC)

Mr. Aditi Shankar Chakraborty, Ld. APP

Mr. Aniruddha Biswas ...for the State

Learned counsel for the petitioner submits that the petitioner is in custody for about 213 days since 2nd April, 2025 and he has been falsely implicated in several cases under the NDPS Act. In one of such cases, he has been already granted anticipatory bail by the Apex Court in SLP (Criminal) no. 8113 of 2025 dated 24th February, 2025. He further submits that the investigation has already been culminated into a charge-sheet and nothing was recovered from his possession and he is merely a resident of an adjacent house of the other accused persons.

In such view of the matter and also considering his period of detention, he may be released on bail on any terms and conditions.

Learned counsel for the State opposed the bail prayer contending that huge quantity of cough syrup containing codeine phosphate amounting to 9910 bottles were recovered from the house of the one co-accused and also from one Suparibagan. He further submits that the present petitioner has three criminal antecedents and he is also FIR named. He further submits that the investigation discloses that there was money trailing in between the petitioner and with the wife of another co-accused, Motohar Hossain. He further submits that the charge-sheet has been submitted just before the vacation but the charge has not yet been framed. However, it is expected that the trial will commence shortly.

Having considered the submissions made on behalf of both the parties and also considering the materials available in the case diary including the prima facie evidence of money trailing against the petitioner and that the petitioner has criminal antecedent, I find that the petitioner has 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) 420 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.)