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05.03.2026
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dismissed

C.R.M. (NDPS) 253 of 2026

In Re: An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Baruipur Police Station Case No.1018 of 2025 dated 26.05.2025 under Sections 20(b)(ii)(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985;

Minal Haque & Anr.
Versus
The State of West Bengal

Mr. Prajnadeepta Roy
Mr. Sabir Ali
Ms. Sohini Kundu
Mr. Debojyoti Goswami.
...for the petitioners.

Mr. Soumik Ganguly
Ms. Sonali Bhar.
...for the State.

Learned advocate appearing for the petitioners refers to the order of the Honble Apex Court in SLP(Crl.) No.18886 of 2025 wherein bail was granted to an accused in a case under the provisions of NDPS Act and it was observed that the accused has a right to be represented by a counsel. There was evidence recorded in the absence of the learned advocate. Learned advocate submits in this case also on the first date when the accused was produced before the court they were not represented with an advocate neither any assistance was offered to them. The same obviously is a dereliction of duty both of the learned Magistrate and the State who should have informed the right of an accused to be represented by a lawyer. The same is to be dealt with definitely but so far as the

present case is concerned, there has been recovery of 35 kgs of ganja. Petitioners are in custody for 8 months 10 days. Charges have been framed. Petitioners have thereafter been represented by an advocate of their choice.

Having considered that the charges have been framed, I direct that the petitioners would renew their prayer for bail after the evidence of the seizure list witnesses are over. At this stage, I am not inclined to release the petitioners on bail as prima facie the alleged seizure is substantially above the commercial quantity and attracts the rigors of Section 37 of the NDPS Act.

Accordingly, CRM(NDPS)253 of 2026 is rejected.

All parties shall act on the server copy of this order duly 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 of all requisite formalities.

(Tirthankar Ghosh, J.)