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16.02.2026
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dismissed

C.R.M. (NDPS) 1705 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Airport Police Station Case No.173 of 2023 dated August 10, 2023 under Sections 21(c)/25/28/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985;

Sajahan Mondal
Versus
The State of West Bengal

Mr. Himanshu De
Mr. Srinjan Ghosh.
...for the petitioner.

Mr. Antarikhya Basu
Ms. Afreen Begum.
...for the State.

Learned senior advocate appearing for the petitioner submits that the petitioner is in custody for 2 years 6 months. Some of the accused persons have been granted bail. Learned senior advocate appearing for the petitioner submits that the petitioner is a driver of the vehicle and is similarly situated as other accused persons who have been granted bail. According to the learned senior advocate, the mental element involved in this case is same as those persons who have been granted bail as the case relates to joint possession.

Learned advocate appearing for the State opposes the prayer for bail and draws the attention of the Court to the materials appearing which is 9000 bottles of phensedyl having been

recovered.

I have taken into account the genesis of the granting bail which relates to the Hon'ble Supreme Court's order dated 03.11.2025 wherein it has been categorically stated in respect of the person whom the bail has been granted is that the said accused was neither the owner nor the driver of the vehicle but was only khalasi/cleaner/helper of the vehicle.

Having regard to the fact that the Hon'ble Supreme Court has considered the complicity of two sets of persons in a different manner and the State submitting that the complicity of the petitioner was that there are overt acts apart from simple possession so far as the present petitioner is concerned, I am not inclined to release the petitioner on bail.

Accordingly, CRM(NDPS) 1705 of 2025 is dismissed.

Report submitted by the State be kept with the record.

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.)