

27.01.2026
Court No.35.
M/L.146.
Rakib
(Allowed)

CRM (NDPS) 1711 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Gangarampur Police Station case no. 135 of 2025 dated 26.03.2025 under Sections 21(c)/22(c)/27A/28/29 of the of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : Prosenjit Ghosh

.....Petitioner.

Mr. Sabir Ahmed
Mr. Pawan Kr. Gupta
Mr. Shiladitya Barma
Mr. Shuvam Dasgupta

.....for the Petitioner.

Mr. S. Patel
Mr. Shasanka Sekhar Saha

.....for the State.

Learned advocate appearing for the petitioner submits that petitioner is in custody since 01.04.2025 and the subject matter of the case relates to recovery of 154 bottles of phensedyl, although there was no recovery from the present petitioner and the petitioner has been arrested on the basis of statement of co-accused.

Learned advocate for the State opposes the prayer for bail and submits that the prayer for bail of the petitioner was rejected in the month of July, 2025 and subsequently the same bail was rejected by the Hon'ble Apex Court on 17.10.2025 in Special Leave to Appeal (Crl.) 16454/2025.

I have taken into the account the materials appearing in the Case Diary and I find that one Papai Das has been granted bail in CRM (NDPS) 1108 of 2025 who is similarly situated as the present

petitioner as the foundation of the case against the petitioner are based on Call Data Records and communication.

Be that as it may, having regard to the period of detention of the present petitioner and the fact that petitioner has been implicated on the basis of statement of co-accused and only materials available is the Call Data Records and bank transactions and on perusal of the charge-sheet, I do not find that the bank transactions were relied upon or the Call Data Records have been relied upon, I am of the view that further detention of the present petitioner is unwarranted. Accordingly, the prayer for bail of the petitioner is **allowed**.

As such, petitioner namely, **Prosenjit Ghosh** shall be released on bail upon furnishing bond of Rs. 20,000/- (Rupees Twenty Thousand only), with two sureties of Rs. 10,000 (Rupees Ten Thousand only) each, one of whom must be local to the satisfaction of the learned Judge, Special Court under NDPS Act cum Additional District and Sessions Judge, 3rd Court, Balurghat, Dakshin Dinajpur.

If on bail, the petitioner shall be physically present on each and every date before the learned trial Court in seisin of the case and shall not leave the jurisdiction of district of Dakshin Dinajpur without the prior permission of the learned Special Court.

Accordingly, the application for bail being CRM (NDPS) No. 1711 of 2025 is **allowed**.

Case Diary be returned to the learned advocate appearing for the State.

All parties shall act in terms of server copy of the order 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 with all requisite formalities.

(Tirthankar Ghosh, J.)