

NDPS Case No. 01 of 2026
CNR No. WBUD01-00-0004-2026
Under Section 21(c)/25/29 NDPS Act
State Versus Dhananjay Bhowmik (A1), Uttam Mahato (A2) & Jahangir Alam (A3)

Order No. 06
06.02.2025

1. Today stands earmarked for production of the accused persons & appearance of the IO and hearing of the application for bail dated filed on behalf of accused A1.
2. All the accused are produced and are being represented by their respective Learned Lawyers.
3. An application for bail is also filed on behalf of accused A2 & A3.
4. Copy served.
5. The Learned PP-in-charge is present with the IO of this case.
6. The applications for bail of accused A1 and A2 & A3 are taken up for hearing.
7. Both sides have been heard at length with due circumspection.

RIVAL SUBMISSIONS

1. The Learned Counsels for the accused A1, A2 & A3 have choired their submissions in raising the following points –
 - a) *Their clients are in custody since January 2, 2026.*
 - b) *That their clients bear no nexus or complicity with the crime alleged and the prosecution has initiated several cases against different persons with an allegation of seizure of Phensydel cough syrup having same batch number;*
 - c) *That their clients are persons of fixed abode, having their permanent place of residence, and hence there is no likelihood of abscondence.*
2. On such premises, the Learned Counsel has fervently implored this Court to enlarge the accused/petitioners on bail, on any condition whatsoever.
3. The Learned Public Prosecutor, on the other hand, has entered a strong and unyielding objection to the prayer for bail, placing reliance upon the following grounds—
 - i. *That the offence complained of carries with it grave and deep-rooted consequences, striking at the health and morals of society at large;*
 - i. *That much more than commercial quantity of Codeine Phosphate containing 35 bottles of cough syrup ('Kuf Relief' and 'Phensydel') was recovered in this case;*
 - ii. *That the rigours of Section 37 of the NDPS Act come into inevitable play, thereby erecting a formidable barrier against the grant of bail.*
4. In view of the above, the Learned Prosecutor has strenuously contended that the present applications for bail deserve to be rejected, *in limine*, without warranting further indulgence.

DISCUSSIONS & DECISION

5. This Court considers the following points as of decisive importance –
 - A. *The case in hand pertains to the offence of heinous magnitude, involving commercial quantity of codeine phosphate, recovered from direct conscious possession of the accused/petitioners.*
 - A. *The very volume of the contraband stands as a stark testament to the destructive potential of the crime alleged.*

- B. Mere similar batch number of Phensyldelel Cough Syrup in several cases, per-se, does not frustrate the case of the prosecution and the points raised by the Learned Lawyers for the accused/petitioners can only be thrashed during trial.*
- C. Most significantly, the statutory rigour of Section 37 of the NDPS Act looms large over the matter.*
- D. The materials presently available before this Court fall short of lifting the embargo envisaged under the said provision.*
- E. Unless the twin conditions enshrined therein are fulfilled to the letter, the prayer for bail cannot find favour.*
6. Thus, when the matter is viewed in its totality and true perspective, the offence alleged cannot, by any stretch of judicial imagination, be trivialised or treated with indulgence.
7. The menace of narcotic drugs and psychotropic substances is not a mere law-and-order aberration but a pervasive scourge that eats into the moral, physical, and intellectual sinews of the Nation.
8. Once unleashed into circulation, such substances corrode the very foundation of civil society, debilitate the youth—the nation’s vital strength—and strike ruthlessly at the sanctity of public health, peace, and order.
9. To extend misplaced leniency or to relax the rigour of law in cases of this grave complexion would be nothing short of a dereliction of the solemn judicial duty that the NDPS Act, in its stern majesty, entrusts upon this Court.
10. For the reasons, as above, the prayer for bail stands refused. CD be returned.
11. Fixing **20.02.2026** for production and IO’s report in final form.

Dictated and corrected

Judge, Spl. Court (NDPS Act),
1st Court, Raiganj, U/Dianjpur.

Judge, Spl. Court (NDPS Act),
1st Court, Raiganj, U/Dianjpur.