

**NDPS Case No. 83 of 2025**  
**CNR No. WBUD01-00-4030-2025**  
**Under Section 21(c)/25 NDPS Act**  
*State Versus Saddam Hussain @ Bania (A1)*

**Order No. 06**  
**06.02.2025**

1. Today stands earmarked for production of the accused persons & CD.
2. Accused is produced and is being represented by his Learned Lawyer.
3. An application for bail is also filed on behalf of accused.
4. Copy served.
5. The Learned PP-in-charge is present with CD.
6. The application for bail is 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 has raised the following points –
  - a) *His client is in custody since December 21, 2025.*
  - b) *His client bears no nexus or complicity with the crime alleged;*
  - c) *His client is person of fixed abode, having his 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/petitioner 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 is fraught with grave and far-reaching consequences, striking at the health and moral fabric of society at large;*
  - ii. *that more than commercial quantity of codeine phosphate, in the form of 25 bottles of Phensedyl cough syrup, stands recovered in the present case; and*
  - iii. *that, in consequence thereof, the statutory rigour of Section 37 of the NDPS Act is inevitably attracted, 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 at hand relates to an offence of heinous magnitude, involving recovery of a commercial quantity of codeine phosphate from the direct and conscious possession of the accused-petitioner. The sheer volume of the contraband, namely 25 bottles of Phensedyl cough syrup, each containing 100 ml, stands as a stark testament to the destructive potential and societal harm inherent in the crime alleged.*
  - B. *Most significantly, the statutory rigour of Section 37 of the NDPS Act casts a long and formidable shadow over the present consideration.*
  - C. *The materials presently placed before this Court are wholly insufficient to dislodge the embargo imposed by the said provision.*
6. Viewed in its entirety and proper perspective, the offence alleged cannot, by any stretch of judicial imagination, be trivialised or met with indulgence.

7. The menace of narcotic drugs and psychotropic substances is not a mere law-and-order aberration, but a pervasive scourge gnawing at the moral, physical, and intellectual sinews of the nation.
8. Once set in circulation, such substances corrode the foundations of civil society, debilitate the youth—the nation's vital strength—and strike ruthlessly at public health, peace, and order.
9. Any misplaced leniency in matters of this grave complexion would amount to a dereliction of the solemn judicial duty cast upon this Court by the stern mandate of the NDPS Act.
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,  
1<sup>st</sup> Court, Raiganj, U/Dianjpur

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1<sup>st</sup> Court, Raiganj, U/Dianjpur  
**JO Code No.WB00883**