

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

Order No. 12
09.04.2026

1. Records is put up today at the instance of the accused A1.
2. An application for bail is also filed on behalf of accused.
3. Copy served.
4. The Learned PP-in-charge is present.
5. The application for bail is taken up for hearing. Heard both sides.

RIVAL SUBMISSIONS

6. 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.*
7. On such premises, the Learned Counsel has fervently implored this Court to enlarge the accused/petitioner on bail, on any condition whatsoever.
8. 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, charge has already been framed and there is a statutory rigour of Section 37 of the NDPS Act.*
9. 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

10. This Court considers the following points as of decisive importance –
 - A. *A similar prayer for bail, made on behalf of the accused/petitioner, was rejected on 06.02.2026.*
 - B. *True that successive bail application is well prevalent in Bail Jurisprudence, but there must have some new ground/s for asking such a relief.*
 - C. *In our case except the period of immurement no fresh ground is assigned.*
 - D. *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.*
 - E. *Charge has already been framed that nothing is forthcoming which can lift the statutory restriction of Section 37 NDPS Act. Viewed in its entirety and proper perspective, the offence alleged cannot, by any stretch of judicial imagination, be trivialised or met with indulgence.*
11. For the reasons, as above, the prayer for bail stands refused. CD be returned.
12. Fixing **01.07.2026** (todate) for production and evidence.

Dictated and corrected by me

Judge, Spl. Court (NDPS Act)
1st Court, Raiganj, Uttar Dinajpur.

Judge, Spl. Court (NDPS Act)
1st Court, Raiganj, Uttar Dinajpur.

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