

27.  
Court  
No.28

17.09.2024  
  
(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA  
CRIMINAL MISCELLANEOUS JURISDICTION  
CRM (NDPS) 1356 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Lalgola** Police Station Case No. **354/2022** dated **07.10.2022**, under Sections **21(c)** of NDPS Act, 1985.

And  
In the matter of: - **Majarul Sk @ Islam** ...petitioner.  
  
Mr. Arnab Chatterjee  
Mr. Anisur Rahaman ...for the petitioner.  
  
Mr. Iqbal Kabir  
Ms. Sima Biswas ...for the State.

**Dictated by Arijit Banerjee, J.**

1. Read order dated September 4, 2024.
2. Learned Advocate for the State has produced the relevant General Diary (G.D.) Book. It appears that the petitioner indeed lodged a G.D. on September 15, 2022, regarding his motorcycle in question being missing. In other words, it *prima facie* appears that although the petitioner, at the relevant date of seizure of contrabands, was the owner of the motorcycle in question, the motorcycle was not in his possession or control.
3. In view of the aforesaid and also considering the fact that investigation is complete and charge-sheet has been submitted, we allow the petitioner’s prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **Majarul Sk @ Islam** shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two

sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District & Sessions Judge, 2<sup>nd</sup> Court-cum-Judge, Special Court under NDPS Act, Murshidabad at Berhampore, subject to condition that the petitioner shall appear before the learned Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not leave the territorial jurisdiction of Bhagwangola Police Station and shall also meet the Officer-in-Charge of the said Police Station once in a week, until further orders. The petitioner shall deposit his passport, if there be any, with the Trial Court before his release from the Correctional Home.

5. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the learned Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
6. The application for bail being CRM (NDPS) 1356 of 2024 is accordingly disposed of.
7. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

**(Apurba Sinha Ray, J.)**

**(Arijit Banerjee, J.)**