

23. 21.02.2025
Court
No.29 (Tanmoy)

Allowed

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
CRM (NDPS) 76 of 2025**

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 **Kaliachak** Police Station Case No. **714/2022** dated **04.07.2022** under Sections **21(c)/27A/29** of the NDPS Act, 1985.

And

In the matter of: - **MD. NURUL ISLAM**

...petitioner.

Mr. Md. Wasim Akram
Ms. Reshmi Khatun

...for the petitioner.

Mr. Antarikhya Basu
Ms. Sreetama Das

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner relies on an order dated January 7, 2025, passed in CRM (NDPS) 1527 of 2024, whereby this Bench had enlarged on bail a co-accused person by the name of Mabudh Sk. He says that he stands on a better footing than Mabudh Sk. All six witnesses that the prosecution intended to examine, have been examined. None of them implicated this petitioner. He is in custody for 93 days. He prays for bail.
2. We have gone through the depositions of the witnesses. Indeed, we did not find, nor could learned State Counsel point out anything incriminating against the petitioner herein.
3. Hence we are of the view that the restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, stand diluted and we are inclined to grant bail to the petitioner.
4. Accordingly, we direct that the petitioner, namely, **MD. NURUL ISLAM** shall be released on bail upon furnishing a bond of

Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of Rs.12,500/- (Rupees Twelve Thousand Five Hundred) each, one of whom must be local, to the satisfaction of the learned Judge, Special Court (under NDPS Act), Malda, subject to condition that the petitioner shall appear before the 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 remain within the territorial jurisdiction of Kaliachak Police Station, Malda, except for the purpose of attending Court proceeding and shall meet the Officer-in-Charge/Inspector-in-Charge of the said Police Station once in a fortnight, until further orders.

5. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the 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) 76 of 2025 is accordingly disposed of.
7. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)