

CRM (NDPS) 111 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Kaliachak Police Station Case No. 903 of 2024** dated **21.06.2024** under Sections **21(c)/25/27A/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

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In the matter of : Samirul Miya @ Motu. Petitioner.

Mr. Kalidas Saha,
Ms. Khushi Mollick,
Ms. Mandira Mandal, ... For the Petitioner.

Mrs. Rituparna De Ghose,
Mr. Rohit Mukherjee, ... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner says that there was no recovery of contraband items from him. He has been implicated solely on the basis of the statement of a co-accused person. Investigation is complete. Chargesheet has been submitted. He is in custody for 167 days. There is no incriminating material against him. He prays for bail.

2. Opposing the prayer, learned State advocate says that it is true that the petitioner was implicated on the basis of the statement of a co-accused person. It is also correct that there was no recovery from him. He was travelling in an auto rickshaw from where seizure was made. The auto has been apprehended. The petitioner fled from the spot.

3. We enquired of learned State advocate as to whether there are other incriminating materials like Call Detail Reports (CDRs) or money trail, connecting this petitioner to the alleged crime. Learned advocate, in her usual fairness, says that as of date, there is no such material.

4. In view of the aforesaid, we are of the view that the petitioner has been able to tide over the restriction in Section 37 of the NDPS Act.

5. We are inclined to allow the petitioner's prayer for bail.

6. Accordingly, we direct that the petitioner, namely, **Samirul Miya @ Motu** shall be released on bail upon furnishing a bond of Rs. 25,000/ with two sureties of Rs.12,500/- each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court (under the NDPS Act), Malda, subject to the condition that the petitioner shall remain within the jurisdiction of the Kaliachak Police Station and shall meet the Officer-in-Charge/Inspector-in-Charge of the Kaliachak Police Station, once in a fortnight until further orders.

7. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

8. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

9. The application for bail is, accordingly, allowed.

10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)