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C.R.M. (NDPS) 247 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with TR case no. 20 of 2024 arising out of Sankrail Police Station case no. 742 of 2024 dated 27.9.2024 under Sections 21(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Papai Dhara & Ors.**

.... Petitioners.

Md. Wasim Akram
Ms. Sabrina Parveen

...for the Petitioner.

Mr. Ranadeb Sengupta
Mr. Ashraf Mondal

...for the State.

It is submitted that the present petitioners were apprehended when they were working as a labour in the godown of Debabrata Das and Sankar Sarkar wherefrom the alleged narcotic substances were recovered and seized. However, learned counsel for the petitioners pointed out the order dated 7.1.2025 passed in CRM (A) 4179 of 2024 by which, the anticipatory bail prayer made by the principal accused namely, Debabrata Das and Sankar Sarkar were granted by this court on the ground that the prosecution could not show that the said petitioners did not have any legal authority to possess the drug in question or there is diversion of the drugs in the hands of unauthorized third person for non-medical purposes. He further submits that the present petitioners are no way connected with the alleged offence, they may kindly be granted bail.

Learned counsel for the State placed the case diary and also pointed out the statement recorded during investigation of the Executive Magistrate and Block Development Officer, Sakrail, who stated that the alleged godown is owned by one Mohit Agarwal but Debabrata Das and Sankar Sarkar were running business from his godown. However, in his usual fairness, he also leaves the bail prayer of the petitioner to the discretion of the court.

It is not in dispute that the petitioners were working as labour in the godown wherefrom they were arrested.

Having heard learned counsel appearing on behalf of both the parties, I find that the rigor of Section 37 of the N.I. Act does not attract against the present petitioners and as such, they are entitled to be released on bail.

Accordingly, the petitioners namely, **Papai Dhara, Md. Guddu, Rudal Singh and Soumya Mallick @ Saumya Sankar Mullick** shall be released on bail upon furnishing bond of Rs. 10,000/- each with two registered sureties of Rs. 5,000/- each, of which one must be local, to the satisfaction of the learned Chief Judicial Magistrate, Howrah.

It is further ordered that the accused persons shall not mis-use the liberty granted by this Court and they shall not tamper with any evidence orally or documentary during the trial. They shall not absent themselves on any day during trial and shall not commit any offence while on bail. They shall give their mobile phone numbers to the local police station

and shall not change it without prior permission of the trial court and they shall not in any manner try to delay the trial.

Be it mentioned, that anything said herein shall not be construed as an expression of opinion on the merit of the case.

Accordingly, CRM (NDPS) 247 of 2025 is disposed of.

Urgent Photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)