

akb
Sl. 17
Ct.29
Allowed

In re: An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with
Gangarampur Police Station Case No. 83 of 2024 dated 27.02.2024
under Sections 21(c)/22(c)/23(c)/27A/28/29 of the NDPS Act,1985
corresponding to NDPS case No. 12 of 2024.

In re: Sultan Miya @ Ali ... petitioner.

Mr. Bibaswan Bhattacharya
Ms. Debadrita Mondal ...for the State.

This is an application under Section 483 of the BNSS, 2023, wherein the petitioner has contended that he was arrested on the basis of the co-accused's statement on 23rd December, 2024 in connection with the Gangarampur Police Station Case No. 83 of 2024 dated 27.02.2024 corresponding to NDPS case No. 12 of 2024.

He further submits that nothing was recovered from his possession during investigation and that the principal accused, Mostaque Hossain is on statutory bail and accordingly the petitioner prays for releasing him on any terms and conditions.

Learned Counsel appearing on behalf of the State submits that the principal accused, Mostaque Hossain, during examination has disclosed the name of eight persons and beside the principal accused and the present petitioner all other persons are absconding and he further submits that it also transpires that the present petitioner has made telephonic conversation with the said persons.

Having heard learned Counsel appearing on behalf of the petitioner

and the learned Counsel appearing on behalf of the State and also considering the materials collected in the Case Diary and that the petitioner is suffering incarceration since 23rd December, 2024 and that he was arrested on the basis of co-accused's statement and nothing was recovered from him since arrest till date, the rigor of Section 37 of the NDPS Act does not attract in the present context.

In such view of the matter, petitioner, **Sultan Miya @ Ali** shall be enlarged on bail upon furnishing a bond of Rs. 20,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of learned CJM, Balurghat, Dakshin Dinajpur and also on condition that the petitioner shall not leave the jurisdiction of concerned Court without prior permission of the concerned Court and will attend the Court whenever he will be asked to attend. The petitioner shall, upon his release, give his mobile no. to O/C Gangarampur P.S. and shall keep his mobile phone switched on at all times.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned Trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for bail being **CRM (NDPS) 260 of 2025** is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Dr. Ajoy Kumar Mukherjee, J.)