

CRM (NDPS) 271 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Sagarpara Police Station** Case No. **271 of 2024** dated **14.07.2024** under Sections **21(c)/29** of the NDPS Act.

- A n d -

In the matter of : Paritosh Chowdhury

.... Petitioner.

Mr. Jissan Iqbal Hossain,

... For the Petitioner.

Mr. Bibaswan Bhattacharyya,

Mr. Prakash Mishra,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner says that there was no recovery of contraband item from him. His implication is based solely on the statement of a co-accused person. He is in custody for 53 days. Charge sheet has been filed after completion of investigation. He prays for bail.

2. We enquired of learned State Advocate as to whether or not there are call detail records or money trail linking this petitioner to the alleged crime. Learned State Advocate fairly says that there is no such material on record. He also admits that there was no recovery from this petitioner and he has been implicated solely on the basis of statement made by co-accused person before police officers. Such statement may not be admissible in evidence.

3. In view of the aforesaid, we are of the opinion that the petitioner has been able to tide over the restrictions in Section 37 of the NDPS Act. We are of the view that his further custodial detention is not necessary.

4. Accordingly, we direct that the petitioner, namely, **Paritosh Chowdhury**, shall be released on bail upon furnishing a

bond of Rs. 25,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Special Judge under the NDPS Act, Berhampore, Murshidabad subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not leave the jurisdiction of the concerned police station except for the purpose of attending court proceeding and shall meet the O.C./I.C. of concerned 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 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.

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

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

(Om Narayan Rai, J.)

(Arijit Banerjee, J.)