

patha08.04.2025
Item no. 28
Ct. No. 29
BD.

C.R.M. (NDPS) 325 of 2025

In Re:- An application for bail under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Special Case No. 27 of 2024 arising out of Harishchandrapur Police Station Case No. 310 of 2024 dated 15/04/2024 under sections 21(c)/29 of the N.D.P.S. Act, 1985 corresponding to GDE No. 398 dated 15.04.2024.

In the matter of : ***Shukurddi Mia @ Shukuruddin Mia***
.... Petitioner.

Mr. Kalidas Saha
Ms. Khusi Mollick

...for the Petitioner.

Mr. Jaydip Biswas
Ms. Sana Naaz

...for the State.

Learned counsel appearing on behalf of the petitioner submits the he surrendered before the Court on 11th February, 2025 and since then he is in custody. He further submits that nothing was recovered from his possession and his name transpired from a co-accused statement and referring Tofan Singh's judgment, (AIR 2020 SC 5592), he submits that the alleged confessional statement made by co-accused has no evidentiary value before the court of law. Accordingly he submits that he is entitled to be released on bail.

Learned counsel appearing for the State placed the case diary and pointed out the statement of co-accused Setabuddin wherefrom the name of the present petitioner transpired.

Having heard learned counsel appearing on behalf of the petitioner and the State, and in view of materials available in the case diary and the prosecution has not brought any information regarding previous antecedents of the accused person, I find that the rigor of section 37 is not applicable in the present context and as such he is entitled to release on bail.

In such view of the matter, I am constrained to enlarge the petitioner on bail. Accordingly, the petitioner namely, **Shukurddi Mia @ Shukuruddin Mia**, shall find bail of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each of which one must be local subject to the satisfaction of learned Chief Judicial Magistrate, Malda.

It is further ordered that the accused shall not mis-use the liberty granted by this Court and he shall not tamper with any evidence orally or documentary during the trial. He shall not absent himself on any day during trial and shall not commit any offence while on bail. He shall give his mobile phone number to the local police station and shall not change it without prior permission of the trial court and he 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.

This application for bail being CRM (NDPS) 325 of 2025 is, thus, allowed.

Memo of Evidence submitted by the prosecution be taken on record.

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.)