

08.04.2025

CRM (NDPS) No. 342 2025

akb
Sl. 33
Ct.29
Allowed

In re: An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS Case
No. 80 of 2024, arising out of Lalgola Police Station Case No. 899 of
2024 dated 02.09.2024 under Sections 21(c) / 29 of the of the NDPS
Act, 1985.

And

In re: Taslim Sk @ Md. Taslim Sk. ... petitioner.

Mr. Tapodip Gupta

Mr. Suman Bhanja

...for the petitioner.

Mr. Bibaswan Bhattacharya

Ms. Jonaki Saha

...for the State.

This is an application under Section 483 of the BNSS, 2023, wherein the petitioner has contended that he is in custody for about six months and his name transpired from the statement of a co-accused, namely, Tosikur Ahamed @ Nawab. However, such co-accused statement could not lead for any recovery from the possession of the present petitioner. He further submits that the investigation has already been ended in charge sheet and the prosecution has proposed to examine total 13 witnesses but they could not even bring a single witness till date and the next date is fixed on 3rd May, 2025. He further submits that one co-accused is still absconding for which there is hardly any chance of early disposal of the case and accordingly he prays for bail.

Learned Counsel appearing on behalf of the State produced the Case Diary and pointed out statement of Tosikur Ahamed @ Nawab recorded during investigation from whose statement petitioner's name

transpired and he further submits that the present petitioner has no criminal antecedent and he also admits that nothing was recovered from his possession during investigation.

I have considered the submissions made on behalf of both the parties. In view of the facts and circumstances of the case and the materials in the Case Diary, it appears that rigor of Section 37 of the NDPS Act does not attract in the present case and considering his period of detention and that investigation ended in charge sheet, the prayer for bail made by the petitioner is allowed.

In such view of the matter, petitioner, **Taslim Sk @ Md. Taslim Sk.** shall be enlarged on bail upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, one of whom must be local, subject to the satisfaction of learned CJM, Berhampore, Murshidabad.

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 nothing said herein shall be construed as an expression of opinion on the merits of the case.

The application for bail being **CRM (NDPS) 342 of 2025** is, accordingly allowed and disposed of.

Urgent Photostat certified copy of this order, if applied for, be

given to the parties, upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)