

10.04.2025
Sl. no. 45
Ct. No. 29
P.M.

C.R.M. (NDPS) 361 OF 2025

In Re : An application for bail under Section 483 of the Bhartiya
Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case
No. 81 of 2024 arising out of Bhimpur Police Station Case No.
242 of 2024 dated 09.09.2024 under Sections 21(c)/29 of the
NDPS Act.

And

In the matter of : **Nasir @ Nasir Sheikh**

.... Petitioner

Mr. P. Ganguly,
Mr. Gholam Nur Imrohi,
Ms. Shalini Bairagi

.... For the petitioner

Mr. Anand Keshari,
Mr. Subhasish Datta

... for the State

Learned counsel appearing on behalf of the petitioner
submits that petitioner's name transpired from the statement of
principal accused from whom the recovery was made. He further
submits that he is in custody for fifty five days and that the
charge sheet has already been submitted in connection with the
present case. He further submits that no fruitful purpose will be
served by detaining him in custody any further and the rigor of
Section 37 of the NDPS Act does not attract in respect of the
present petitioner as nothing was recovered from his possession.

Learned counsel appearing on behalf of the State placed
the Case Diary and submits that page 97 of the Case Diary
discloses that there were some correspondences over telephone

made by the present petitioner with the principal accused who is still in custody.

I have considered the submissions made by both the parties. It appears from the Case Diary that the prosecution has only mentioned that the present petitioner has made some phone calls to the principal accused but they have not collected details of conversation made over the phone call, in order to implicate the present petitioner and to make out a case before the Court that there exists sufficient ground for believing that the petitioner has committed the offence in order to bring him within the restrictions laid down in Section 37 of the NDPS Act. The incident of making telephonic chat by and between the petitioner and the principal accused may raise a suspicion but in the absence of details of such chat it may not amount to a grave suspicion to attract the rigor of Section 37 of the NDPS Act.

In such view of the matter I find that the petitioner is entitled to be released on bail.

The petitioner namely **Nasir @ Nasir Sheikh** shall be released on bail upon furnishing a Bond of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, of which one must be local, to the satisfaction of the learned Chief Judicial Magistrate, Howrah.

It is further ordered that the accused person shall not misuse 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 numbers 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.

Having heard the learned counsel appearing on behalf of the petitioner and considering the materials available in the Case Diary including the seizure list and the confessional statement made by the petitioner I find that the rigor of Section 37 attracts in the present case.

Accordingly CRM (NDPS) 361 of 2025 stands disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)