

06.05.2025

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Allowed

C.R.M. (NDPS) 368 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS case no. 61 of 2024 arising out of Lalgola Police Station case no. 787 of 2024 dated 28.07.2024 under Sections 21(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Md. Rabiul Islam**

.... Petitioner

Ms. Shalini Bairagi

Md. Golam Nure Imrohi

...for the Petitioner

Mr. Anand Keshari

Ms. Suruchi Saha

...for the State

It is submitted on behalf of the petitioner that no narcotic substance was recovered from the possession of the petitioner and he was arrested on the basis of the statement of the co-accused made before the police officer, which is not admissible in evidence. He further submits other two co-accused persons have been granted bail by this court and the present petitioner is almost on the same footing and as such, he may be released on bail on any terms and conditions.

Learned counsel for the State in his usual fairness, submits that the present petitioner is almost on the same footing with that of the petitioners in CRM (NDPS) 1916 of 2024 and CRM (A) 1141 of 2025.

Having considered the submission made on behalf of the petitioner and that the petitioner is in custody for about 90 days and that nothing was recovered from his possession and that his complicity transpired on the basis of the statement of a co-accused made before the police officer, I find that the rigour of Section 37 of

the NDPS Act may attract in the present context and as such, the prayer for bail is considered and allowed.

Accordingly, the petitioner namely, **Md. Rabiul Islam** shall be released on bail upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs. 10000/- each, of which one must be local, subject to the satisfaction of the learned Chief Judicial Magistrate, Berhampore, Murshidabad and also on condition that the accused person 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 him 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. The petitioner shall not leave the jurisdiction of court without taking leave from the court below. The court below will be at liberty to cancel the bail in the event of violation of any of the conditions without making any reference to this court.

Be it mentioned, that anything said herein shall not be construed as an expression of opinion on the merit of the case.

Accordingly, CRM (NDPS) 368 of 2025 is disposed of.

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.)