

24.06.2025

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Allowed

C.R.M. (NDPS) 376 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. 43 of 2024 arising out of Jalangi Police Station case no. 1020 of 2013 dated 23.10.2013 under Section 188/447 of the Indian Penal Code, 1860 and Section 27(a)(b)(ii) of Drugs and Cosmetics Act, 1940.

And

In the matter of : **Manik Halder @ Manik Chandra Halder**
.... Petitioner

Mr. Arnab Chatterjee

Mr. Anisur Rahaman

...for the Petitioner

Mr. Saryati Dutta

Mr. P. Mahata

...for the State

Learned counsel for the petitioner submits that the charge-sheet in this case has been submitted against the present petitioner under the Drugs and Cosmetics Act, 1940 and as such, rigour of Section 37 of the NDPS Act does not attract against the present petitioner. He further submits that nothing was recovered from his possession and he was arrested on the basis of the statement of the co-accused on 20th April, 2024 and since then, he is in custody for about one year two months.

He further submits that 100 bottles of Phensedyl cough syrup was allegedly recovered from two other accused persons who are already on bail. However, though prosecution alleged that he was absconding for about 11 years but in fact, he was not informed about the pendency of the warrant of arrest and for which, he could not surrender before the court and there is nothing to show that any warrant of proclamation or

warrant of attachment has been issued against the present petitioner, though he was allegedly absconding for long period.

Mr. Dutta, learned counsel for the State opposed the bail prayer but in his usual fairness, he submits that rigour of Section 37 of the NDPS Act may not attract in the present case, since the charge-sheet has already been submitted against the present petitioner under the Drugs and Cosmetics Act, 1940. He further submits that one criminal antecedent has been detected by the Investigating Officer in connection with NDPS Act but in that case, the petitioner has already been granted bail. Accordingly, he leaves the prayer of the petitioner to the discretion of the court.

Having considered the submissions made on behalf of both the parties and that rigour of Section 37 of the NDPS Act may not attract in the present case and that the trial has not yet been commenced and nobody knows when the trial would be concluded and considering all these and also in the touchstone of Article 21 of the Constitution of India, his prayer for bail is allowed.

Accordingly, the petitioner namely, **Manik Halder @ Manik Chandra Haldar** 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, 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 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. The petitioner shall not leave the geographical limit of District of Murshidabad without taking leave from the court below and shall meet the Officer-in-charge, Jalangi Police Station once in a week until further order. 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) 376 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.)