

29.04.2025

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Allowed

C.R.M. (NDPS) 435 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case no. 12 of 2024 arising out of Jagacha Police Station case no. 127 of 2024 dated 22.7.2024 under Sections 20(b)(ii)/(C)/29 of the NDPS Act, 1985.

And

In the matter of : **Rajib Guin @ Mum**

.... Petitioner

Mr. Anand Keshari

Ms. Soumili Choudhury

Ms. Pubali Debnath

...for the Petitioner

Ms. Faria Hossain, Ld. APP

Mr. Nirupam Dhali

...for the State

Copies of judgment submitted by the petitioner is taken on record.

This is a renewal of bail prayer which was earlier rejected by this court on 21.1.2025. It is submitted on behalf of the petitioner that the charge-sheet has already been submitted and he is in custody for about nine months.

Petitioner further submits that nothing was recovered from his possession but he has been implicated on the ground that several telephonic conversations took place between the petitioner and the co-accused persons on a number of times.

In this context, reliance has been placed upon a judgment passed by a co-ordinate Bench of this court in CRM 3751 of 2021 (In Re: Jitendra Kumar Singh).

He further submits that though prosecution has alleged about petitioners criminal antecedents, but the petitioner has been acquitted in both the criminal cases, which were lodged

against him being NDPS case no. 12 of 2022 and NDPS case no. 5 of 2019 by the 4th Court of Additional District Judge, Paschim Medinipur. Accordingly, he prays for bail.

Learned counsel for the State opposes the prayer for bail contending that since rejection the only development is that the petitioner has submitted copies of judgment by which he was acquitted.

I have considered the submissions made by both the parties.

The about allegation of telephonic conversations that allegedly took place between the petitioner and the co-accused persons, only call details have been collected by the Investigating agency during investigation and they could not collect the details of conversation between the parties and as such, it merely raises some suspicion but it may not amount to grave suspicion to attract the rigour of Section 37 of the NDPS Act. Moreover, the petitioner by filing the copy of judgments, demonstrates that on earlier occasion, though he was implicated in two cases, but prosecution failed to establish the allegations against him.

Having considered the facts and circumstances of the case and that the investigation has already been ended in a charge-sheet, the petitioner namely, **Rajib Guin @ Mum** 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, Howrah 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) 435 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.)