

D/L53

08.05.2025

Rohit

ct.no.29

C.R.M. (NDPS) 395 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Swarupnagar Police Station Case No. 352 of 2024 dated 01.07.2024 under section 14 A(b) Foreigners Act and Section 12 of the Passport Act and Section 21(C)/29 of the NDPS Act, 1985.

And

In Re: **Yusuf Molla**

...Petitioner

Mr. Angshuman Chakraborty

Mr. S. Shinha Saha

...for the petitioner

Mr. S. Datta

Ms. Rajnandini Das

...for the State

The petitioner submits that he is in custody for about three months and 150 bottles of cough syrup containing Codeine Phosphate was allegedly recovered from the possession of the principal accused Md. Abdul Halem Sardar.

He further submits that after completion of investigation police prayed for discharge of the present petitioner as reflected in the charge-sheet dated 21.08.2024. Thereafter, the Court by an order dated 17.12.2024 asked the Investigating Agency to make further investigation in connection with the present petitioner.

He further submits that the investigating agency falsely implicated him and arrested him and has allegedly recorded his confessional statement. However nothing was recovered from his possession even after verifying alleged confessional statement and as such he may be released on bail on any terms and conditions.

Learned Counsel appearing on behalf of the State in his usual fairness leaves the prayer for bail to the discretion of the Court.

Having considered the submissions made on behalf of both the parties and that nothing was recovered from his possession, it appears to me that the rigour of Section 37 of the NDPS Act may not attract in this case in respect of the present petitioner. In such view of the matter prayer for bail is considered and allowed.

Accordingly, the petitioner namely, **Yusuf Molla** shall be released on bail upon furnishing a bond of Rs.20,000/- with two registered sureties of Rs.10,000/-, of which one must be local, subject to the satisfaction of the learned Chief Judicial Magistrate, Barasat, North 24 Parganas and also on condition that he 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 and shall report to the Inspector-in-Charge of Swarupnagar Police Station once in a fortnight until further order. The court below till 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) 395 of 2025 is 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.)