

D/L55

08.05.2025

Rohit

ct.no.29

C.R.M. (NDPS) 399 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 Lalgola Police Station Case No. 819 of 2024 dated 05.08.2024 under Sections 21(C)/29 of the NDPS Act, 1985 read with Section 111 of the Bharatiya Nyaya Sanhita, 2023.

And

In Re: **Ajijur Rahaman @ Fitu**

...Petitioner

Mr. Tapodip Gupta

...for the petitioner

Mr. Bitosok Banerjee

Ms. Suchismita Dutta

...for the State

Learned Counsel appearing for the petitioner submits that during investigation he made a prayer for bail which was subsequently not pressed. However, charge-sheet has been submitted after conclusion of investigation.

He further submits that he is in custody for about six months and he was arrested on the basis of co-accused statement, from whom 500 gms of heroine was allegedly recovered. He further submits nothing was recovered from his possession and that the next date is fixed on 11th June, 2025 for production of accused person and date of charge hearing has not even fixed far from framing charge by the trial court and as such nobody knows how long it will take to conclude the trial. Accordingly, he prays for bail on any terms and conditions.

Learned Counsel appearing on behalf of the State though oppose bail prayer but candidly submits that nothing was recovered from the

possession of the present petitioner even verifying confessional statement made by him as appearing from the case diary.

Having heard learned counsel appearing on behalf of the petitioner and the state and that nothing was recovered from his possession and that his name transpired from a co-accused statement and that investigation has already been ended in charge-sheet and considering all these the rigour of Section 37 may not attract in respect of the present petitioner and as such prayer for bail is considered and allowed.

Accordingly, the petitioner namely, **Ajijur Rahaman @ Fitu** 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, Berhampore, Murshidabad 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 Officer-in-Charge of Lalgola Police Station once in a fortnight 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) 399 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.)