

06.05.2025

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Allowed

C.R.M. (NDPS) 400 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Jamuria Police Station case no. 02 of 2025 dated 01.01.2025 under Section 21(b) of the NDPS Act, 1985.

And

In the matter of : **Md. Toukir Khan**

.... Petitioner

Mr. Kunal Ganguly

Mr. Tirupati Mukherjee

...for the Petitioner

Mr. Jaydeep Biswas

Mr. Sachit Talukdar

...for the State

It is submitted on behalf of the petitioner that 100.50 gms. of Heroine was seized in this case from two accused persons. He further submits that he is almost on the same footing with that of the other co-accused person who has already been granted bail by the trial court on 27.3.2025. Therefore he submits that he may be released on bail on any terms and conditions.

Learned counsel for the State in his usual fairness, submits that seizure in connection with the present case, is non-commercial quantity and that the present petitioner is on the same footing with that of the accused person who has already been granted bail by the trial court.

Having considered the facts and circumstances of the case and that the petitioner is in custody for about 124 days and he is almost on the same footing with his co-accused, Chandan Shaw, who already obtained bail on 27.3.2025, the prayer for bail is allowed.

Accordingly, the petitioner namely, **Md. Toukir Khan** 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, Paschim Bardhaman 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) 400 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.)