

D/L57

08.05.2025

Rohit

ct.no.29

**C.R.M. (NDPS) 402 of 2025**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of the BharatiyaNagarik Suraksha Sanhita, 2023 in connection with Samsherganj Police Station Case No. 88 of 2023 dated 20.03.2023 under Sections 21(C)/22(C)/27A/29/30 of the NDPS Act, 1985.

And

In Re: **Rabijul Hassan @ Rajibul Hasan**

...Petitioner

Mr. Arnab Chatterjee  
Ms. Dhanasree Biswas  
Ms. Poulami Bose

...for the petitioner

Mr. Sanjay Banerjee  
Mr. Dattatreya Dutta

...for the State

Learned Counsel appearing on behalf of the petitioner submits that one kg of brown sugar was allegedly recovered from the possession of four accused persons. Out of the four accused persons the other three accused persons have already obtained bail on different proceedings by this High Court in CRM (NDPS) 165 of 2025 and CRM (NDPS) 216 of 2025 and he is custody for about two years two months and he is almost on the same footing and as such he may be granted bail on the touchstone of Article 21 of the Constitution of India.

Learned Counsel appearing on behalf of the State opposed the bail prayer contending that IO is apprehensive since the present petitioner is a resident of Karimganj district of Assam, and as such if he is enlarged at bail there is every chance of hampering the trial process and as such he opposed the bail prayer. However in his usual fairness he did not dispute

that the present petitioner is almost on the same footing with the other accused persons who are on bail.

I have considered submissions made by both the parties.

Upon consideration of the submissions made on behalf of the parties and that the present petitioner is almost on the same footing with that of the other co-accused persons his bail prayer is allowed but subject to the stringent conditions.

In such view of the matter, the petitioner namely, **Rabijul Hassan @ Rajibul Hasan** shall be released on bail upon furnishing a bond of Rs.30,000/- with two registered sureties of Rs.15,000/-, 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 also on condition that the petitioner under any circumstances shall not leave the geographical limit of the district of Murshidabad and also on condition that he shall report to the Officer-in-Charge of Samsherganj Police Station, thrice in a week until further orders. 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.

Report so submitted by the IO be kept with the record.

Accordingly, CRM (NDPS) 402 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.)***