

D/L58

08.05.2025

Rohit

ct.no.29

C.R.M. (NDPS) 403 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 Domkal Police Station Case No. 611 of 2024 dated 10.09.2024 under Sections 20(b)(ii)(C)/29 of the NDPS Act, 1985.

And

In Re: **Samirul Islam @ Somir @ Somirul**

...Petitioner

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

...for the petitioner

Mr. Joydeep Roy, Sr. Gvt. Adv
Ms. Madhumita Basak

...for the State

The petitioner submits that 21kg 300gms of ganja was allegedly recovered from the principal accused NabiulMalitha. The name of the present petitioner transpired only on the ground that he had allegedly made telephonic conversation with the principal accused before the occurrence. He submits that he is in custody for about 100 days and as such he prays for bail on any terms and conditions, since charge-sheet has already been submitted.

Learned Counsel appearing on behalf of the State oppose the bail prayer contending that the report dated 30th April, 2024 discloses that he made communication with the principal accused immediate prior to the occurrence on several times which establishes his direct involvement with the alleged crime. However, in his usual fairness he submits that there was no direct recovery from the exclusive possession of the present

petitioner. Accordingly, he leaves the bail prayer to the discretion of the Court.

Having heard learned counsel appearing on behalf of the petitioner and the state it appears that the petitioner was arrested on the basis of co-accused statement and also on the basis of allegation that he made communication with the principal accused immediate before the occurrence. However, on perusal of the Case Diary it appears that the Investigating Agency has not recorded the details of conversation i.e. what he talked about and as such there may be suspicion about his involvement with the alleged crime but such suspicion is not grave suspicion in absence of detailed chats to attract the rigour of Section 37 of the NDPS Act. In such view of the matter the prayer of bail is considered and allowed.

Accordingly, the petitioner namely, **Samirul Islam @ Somir @ Somirul** 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 misuse 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 territorial jurisdiction of the district Murshidabad and shall report to the Inspector -in-Charge of Domkal Police Station once in a fortnight 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) 403 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.)