

19.05.2025
Item no. 65
Ct. No. 29
BD.
(ALLOWED).

C.R.M. (NDPS) 419 of 2025

In Re:- An application for bail under section 439 of the Code of Criminal Procedure, 1973/ Section 483 of the BNSS, 2023 in connection with NDPS Case No. 14 of 2024 arising out of Lalgola Police Station Case No. 119 of 2024 dated 18/02/2024 under section 21(C) 29 of the NDPS Act.

In the matter of : **Nur Alom Siddiki @**
Md. Nur Alom Siddiki & Ors. Petitioners.

Mr. Arnab Chatterjee
Mrs. Dhanashri Biswas
Ms. Poulami Bose ...for the Petitioners.

Mrs. Amita Gaur
Ms. Pallavi Priyadarshi ...for the State

Learned counsel appearing on behalf of the petitioners submits that total 300 bottles of phensedyl cough syrup containing codeine phosphate was allegedly recovered from the joint possession of the present three petitioners and the other co-accused, Akhil Sarkar. This Court rejected the bail prayer of all the four accused persons on 20th November, 2024. The said co-accused, Akhil Sarkar moved an application before the Hon'ble Supreme Court and the Hon'ble Supreme Court granted him bail vide order dated 27.03.2025 in Special Leave to Appeal (Crl.) No.(s). 628 of 2025. He submits that present three petitioners are almost on the same footing with that of the co-accused Akhil Sarkar and as such they may be granted bail on any terms and conditions.

Learned counsel appearing on behalf of the State opposed the bail prayer. However, in her usual fairness she submits that the present three petitioners are almost on the same footing with that of the co-accused Akhil Sarkar, whom the Apex Court has granted bail. She further submits that materials available in the case diary do not suggest that the present three petitioners have any criminal antecedence.

Having heard learned counsel appearing on behalf of both the parties and also considering the facts that the present three petitioners are almost on the same footing with that of co-accused Akhil Sarkar, the prayer for bail made by the petitioners are allowed.

Accordingly, the petitioners namely, **(1) Nur Alom Siddiki @ Md. Nur Alom Siddiki, (2) Babu Sk. (3) Sarikul Islam** shall find bail of Rs. 20,000/- each with two registered sureties of Rs. 10,000/- each, one of which must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Berhampore, and also on condition that the petitioners shall not leave the geographic limit of the district Murshidabad without the leave of the trial court till further order and shall report to the Investigating Officer Lalgola Police Station, Murshidabad, once in a week until further orders of this court.

It is further ordered that the accused persons shall not mis-use the liberty granted by this Court and they shall not tamper with any evidence orally or documentary during the trial. They shall not absent themselves on any day during trial and shall not commit any offence while on bail. They shall give their cell phone numbers to the local police station and shall not change it without prior permission of the trial court and they shall not in any manner try to delay the trial. The petitioners shall not leave the jurisdiction of the trial court without taking leave from the Court below. In case of violation of any of the conditions the trial Court will be at liberty to cancel the bail without making any further reference to this Court.

Be it mentioned, that anything said herein shall not be construed as an expression of opinion on the merits of the case by this Court.

This application for bail being CRM (NDPS) 419 of 2025 is, thus, allowed.

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.)

