

21.05.2025
Item no. 32
Ct. No. 29
BD.
(ALLOWED).

C.R.M. (NDPS) 431 of 2025

In Re:- An application for bail under section 439 of the Code of Criminal Procedure, 1973/Section 483 of the BNSS, 2023 filed in connection with Kaliachak Police Station Case No. 1439 of 2021 dated 27/12/2021 under sections 21(C)/29 of the NDPS Act and section 27A of the Drugs and Cosmetics Act.

In the matter of : ***Sariful Islam*** Petitioner.

Mr. Arup Kumar Bhowmick ...for the Petitioner.

Ms. Amita Gaur
Ms. Rita Dutta ...for the State

It is submitted on behalf of the petitioner that petitioner was granted anticipatory bail by this court in CRM (A) 3482 of 2022 dated 22.07.2022 but due to his non-appearance on 9.1.2024, warrant of arrest was issued against him. Thereafter when he surrendered before the court below on 29.1.2025. He was taken into custody and since then, he is behind the bar.

He further submits that out of 19 accused persons in the present case, 13 have already been granted bail and he also submits that nothing was recovered from the possession of the present petitioner and his name transpired from the statement of the co-accused.

Learned counsel appearing on behalf of the State submits that out of seven witnesses, four have already been examined and the next date is fixed on 12th June, 2025 and it is expected that trial would be concluded

shortly. However, in her usual fairness, she also submits that though seizure of 150 bottles of cough syrup containing narcotic substance is involved in the present case but nothing was recovered from the possession of the present petitioner and his name transpired from the statement of the co-accused.

Having heard learned counsel appearing on behalf of both the parties and that the petitioner voluntarily surrendered before the court below and as such, he should get a chance to attend trial from his residence, his prayer for bail is considered and allowed.

Accordingly, the petitioner namely, **Sariful Islam** shall find bail of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, one of which must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Malda and also on condition that the petitioner shall not leave the geographic limit of the district Malda without the leave of the trial court till further order and shall report to the Officer-in-charge, Kaliachak Police Station, Malda, once in a week until further order.

It is further ordered 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 his cell phone numbers 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 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) 431 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.)