

21.05.2025

Sl. no. 48

Ct. No. 29

P.M.

(Allowed)

C.R.M. (NDPS) 449 OF 2025

In Re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with Kandi Police Station Case No. 503/2024 dated 26.10.2024 under Sections 21(c)/29 of the NDPS Act.

And

In the matter of : **Ear Latib Mollah & Anr.**

.... Petitioner

Mr. Jisan Iqubal Hossain

.... For the petitioner

Mr. Saryati Dutta,

Mr. Rituparna Saha

... for the State

It is submitted on behalf of the petitioners that the petitioners are in custody for about six months and that 3200 bottles phensedyl syrup containing codeine phosphate was allegedly recovered from four accused persons who are in custody.

He further submits that nothing was recovered from petitioners' possession and their name transpired from the co-accused statement. However, charge sheet has already been submitted on 19th April, 2025 and as such they may be enlarged on bail on any terms and conditions.

Learned counsel appearing on behalf of the State in his usual fairness submits that petitioners' name transpired during investigation from the statement of the co-accused persons.

However, no recovery was made from the possession of the present petitioners during investigation.

Having heard the learned counsel appearing on behalf of the petitioners and the State and also considering the materials available so far in the Case Diary in respect of the present petitioners, it appears that the rigour of Section 37 of the NDPS Act may not attract in the present case in respect of the present petitioners and as such the prayer for bail made by the petitioners is considered and allowed.

The petitioners namely **Ear Latib Mollah and Yoginder Yadav** shall be released on bail upon furnishing a Bond of Rs. 20,000/- each with two registered sureties of Rs. 10,000/- each, of which one must be local, to the satisfaction of the learned Chief Judicial Magistrate, Berhampore and also on condition 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 his mobile 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. Petitioners shall not leave the geographical limit of district Murshidabad without leave of the trial Court and also on condition that they will report to the Inspector-in-charge, Kandi P.S. once in a fortnight till further

order. 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) 449 of 2025 stands disposed of.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all usual requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)