

21.05.2025

Sl. no. 50

Ct. No. 29

P.M.

(Allowed)

C.R.M. (NDPS) 452 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 Sagardighi Police Station Case No. 126/2025 dated 13.02.2025 under Sections 20(b) (ii)(c)/29 of the NDPS Act.

And

In the matter of : **Kabirul Sk. @ Probir @ Kabir & Anr.**

.... Petitioner

Mr. Jisan Iqubal Hossain

.... For the petitioner

Ms. Subhashree Patel,

Mr. Sourat Nandy

... for the State

It is submitted on behalf of the petitioners that 26 kg. 119 gms. of Ganja was recovered from the possession of accused Mosarraaf Hossain. However, nothing was recovered from the possession of the present petitioners and their name transpired from the co-accused statement and they are in custody for more than three months and they have been falsely implicated and they may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State in his usual fairness submits that nothing was recovered from the possession of the present petitioners. However, the phone call details collected during investigation reveals that the petitioner Kabirul Sk. @ Probir @ Kabir made telephonic conversation with the principal accused Mosarraaf Hossain.

Having considered the submission made on behalf of both the parties and also considering the fact that nothing was recovered from the possession of the petitioners and from the call details only it appears that the petitioner Kabirul Sk. @ Probir @ Kabir had made telephonic communication with the principal accused I find that such telephonic conversation may create suspicion against the petitioner No. 1 but in the absence of transcription of such communication such suspicion cannot amount to grave suspicion to attract the rigour of Section 37 of the NDPS Act.

In such view of the matter the prayer for bail made by the petitioners is allowed.

The petitioners namely Kabirul Sk. @ Probir @ Kabir **and Rubel Sk. @ Hasanujjaman Sk.** 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, Sagardighi 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) 452 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.)