

22.05.2025

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Allowed

C.R.M. (NDPS) 453 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Kaliachak Police Station case no. 1439 of 2021 dated 21.12.2021 under Sections 21(C)/29 of the NDPS Act, 1985 and Section 27A of the Drugs and Cosmetics Act.

And

In the matter of : **Ataur Rahaman**

.... Petitioner

Mr. Arup Kumar Bhowmick

...for the Petitioner

Mr. Suman De

Ms. Suparna Chatterjee

...for the State

It is submitted on behalf of the petitioner that the other co-accused persons namely, Sariful Sk. @ Sariful & Ors. were granted anticipatory bail by this court in CRM (A) 3482 of 2022 dated 22.7.2022 and thereafter, the present petitioner surrendered before the court. However, due to his non-appearance, the warrant of arrest was issued on 9.1.2024.

He further submits that he was not aware about the issuance of warrant of arrest. However, getting information about such warrant of arrest immediately thereafter, he voluntarily surrendered before the court on 29th January, 2025 and since then, he is in custody.

He further submits that the other co-accused namely, Sariful Islam has been granted bail by this court in CRM (NDPS) 431 of 2025 dated 21.5.2025, who is almost on the same footing with that of the present petitioner.

Learned counsel for the State leaves the matter to the discretion of the court.

Having considered the submissions made on behalf of both the parties and that the petitioner voluntarily surrendered before the court below and he is almost on the same footing with the other co-accused namely, Sariful Islam, his prayer for bail is allowed.

Accordingly, the petitioner namely, **Ataur Rahaman** shall be released on bail upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs. 10000/- each, of which one must be local, subject to the satisfaction of the learned Chief Judicial Magistrate, Malda and also on condition 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 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. The petitioner shall not leave the geographical limit of district of Malda without taking leave from the court below and shall report to the Inspector-in-charge, Kaliachak Police Station once in a week until 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) 453 of 2025 is disposed of.

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.)