

21.05.2025

Sl. no. 53

Ct. No. 29

P.M.

(Allowed)

C.R.M. (NDPS) 455 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 Case No. N - 03/24 arising out of Swarupnagar Police Station Case No. 521 of 2024 dated 16.09.2024 under Sections 21(c)/29 of the NDPS Act.

And

In the matter of : **Parholad Paudi @ Prahlad Palash**

.... Petitioner

Mr. Santanu Talukdar,
Mr. Priyankar Ganguly,
Ms. Shalini Bairagi

.... For the petitioner

Mr. Joydeep Roy,
Ms. Puja Goswami

... for the State

It is submitted on behalf of the petitioner that nothing was recovered from the possession of the petitioner and the charge sheet has already been submitted and that 100 bottles of phensedyl syrup containing codeine phosphate was allegedly recovered from the principal accused Abu Hosain. He further submits that the petitioner is in custody for about ninety days and as such he may be released on bail on any terms of conditions.

Learned counsel appearing on behalf of the State opposed the bail prayer. However in his usual fairness he submits that only one co-villager's statement was recorded during

investigation but it is true that nothing was recovered from the possession of the present petitioner during investigation.

Having heard the learned counsel appearing on behalf of the petitioner and the State and considering the facts and circumstances of this case, it appears that rigour of Section 37 of the NDPS Act may not attract in the present context against the present petitioner and as such prayer for bail is considered and allowed.

The petitioner namely **Parholad Paudi @ Prahlad Palash** shall be released on bail upon furnishing a Bond of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, of which one must be local, to the satisfaction of the learned Chief Judicial Magistrate, Barasat 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 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. Petitioner shall not leave the geographical limit of district 24 Parganas (North) without leave of the trial Court and also on condition that they will report to the Swarupnagar P.S. once in a week 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) 455 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.)