

12.06.2025

Sl. no. 54

Ct. No. 29

P.M.

(Allowed)

C.R.M. (NDPS) 459 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 NDPS Case No. 06/2023 arising out of Jhalda Police Station Case No. 49 dated March 19, 2023 under Sections 21(c)/29 of the NDPS Act.

And

In the matter of : **Sadhan Chandra.**

.... Petitioner

Mr. Navanil De,
Mr. Rajeshwar Chakraborty,
Mr. Srinjan Ghosh

.... For the petitioner

Ms. Sreyoshi Biswas,
Ms. Trina Mitra

... for the State

Report submitted by the State is taken on record.

It is submitted on behalf of the petitioner that 156 bottles of cough syrup containing codeine phosphate was allegedly recovered from one Mahesh Kuiry. The name of the present petitioner transpired from the co-accused statement. However nothing was recovered from the possession of the present petitioner and he is in custody for about six months 14 days.

He further submits that all the other three co-accused persons have already been granted bail by this Court and that charge has already been framed but the evidence has not yet been started and as such nobody knows when the trial would be

concluded, for which he may be granted bail on any terms and conditions.

Learned counsel appearing on behalf of the State opposed the bail prayer. She submits that during analysing the CDR it is found that from 01.04.2023 to 14.04.2023 Sadhan Chandra and Ajay Chandra communicated to each other for four times and it further appears from the CDR that the petitioner made contact with the co-accused Malay Dutta in between 01.03.2023 to 25.03.2023 for 398 times. However, in her usual fairness she submits that nothing was recovered from the possession of the present petitioner and his name transpired from the statement of the co-accused and she further submits that the charge has been framed but the next date for taking evidence has been fixed on 14th July, 2025. Accordingly he leaves the prayer for bail to discretion of the Court.

I have considered the submissions made on behalf of the parties.

It appears that nothing was recovered from the possession of the petitioner and his name transpired from the co-accused statement, though the learned counsel appearing for the State referred about analysing the CDR in between the petitioner and the co-accused Ajay Chandra and Malay Dutta but I find that no transcription of such CDR has been collected during investigation to raise grave suspicion to attract rigour of Section

37 of NDPS Act. It also appears that co-accused persons have already obtained bail from this Court and prosecution has not placed any adverse report against said co-accused who are on bail.

Having considered the submissions made on behalf of the parties and that the investigation has already been ended in charge sheet and for which further detention of the present petitioner may not be required and considering the submissions made by both the parties, it appears to me that the rigour of Section 37 of the NDPS Act may not attract in the present case in respect of the present petitioner and as such the prayer for bail made by the petitioner is considered and allowed.

The petitioner namely **Sadhan Chandra** 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, Purulia 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 geographic limit of Purulia District without

leave of the trial Court and also on condition that he will report to the I.C. Jhalda 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) 459 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.)