

26.06.2025
Item no. 34.
Ct. No. 29
BD.
(ALLOWED)

C.R.M. (NDPS) 466 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Hili Police Station Case No. 145 of 2023 dated 18/08/2023 under sections 21(c)/22(c)/23(c) /27A of the NDPS Act, 1985.

In the matter of : **Parimal Das @ Mrityunjay Das....** Petitioner.

Mr. Rakesh Jana
Mr. Kaushik Choudhury ...for the Petitioner.

Mr. Antarikhya Basu
Mr. Mamata Jana ... for the State.

It is submitted on behalf of petitioner that 117 bottles of cough syrup containing codeine phosphate was allegedly recovered from the house of one co-accused Sanjay Choudhury. The name of the petitioner transpired from the co-accused statement and nothing was recovered from the possession of the petitioner but he is in custody for about one year nine months. He further submits that this Court granted anticipatory bail to one co-accused Rocky Singh @ Biswajit Singh and he is almost on the same footing. His further case is that out of fourteen witnesses six witnesses could be examined so far though they have not supported the prosecution case, and as such, he may be released on bail on any terms and conditions.

Mr. Basu, learned counsel appearing on behalf of the State opposed the bail prayer made by the petitioner

but in his usual fairness he submits that the name of the petitioner transpired from the co-accused statement and though the prosecution earlier challenged the anticipatory bail order granted by this Court in favour of the co-accused Rocky Singh @ Biswajit Singh but the Supreme Court by an order dated 29th January, 2025 had turned down the said prayer for cancellation of bail. Mr. Basu, accordingly leaves the prayer for bail to the discretion of the Court.

I have considered the submissions made on behalf of both the parties. It appears that prosecution proposes to examine fourteen witnesses out of which they could so far examine only six witnesses and nobody knows when the trial would be concluded.

In such view of the matter, the prayer for bail made by the petitioner is allowed only on the touchstone of Article 21 of the Constitution of India.

Accordingly, the petitioner namely, **Parimal Das @ Mrityunjay Das**, shall find bail of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, one of which must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Balurghat, Dakshin Dinajpur, and also on condition that the petitioner shall not leave the geographical limit of the district Dakshin Dinajpur, without the leave of the trial court, and shall report to the Inspector-in-Charge, Hili, Police Station, Dakshin Dinajpur, once in a week until further order.

It is further ordered 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 cell 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 jurisdiction of the trial court without taking leave from the Court below. In case of violation of any of the conditions the trial Court will be at liberty to cancel the bail without making any further reference to this Court.

Be it mentioned, that anything said herein shall not be construed as an expression of opinion on the merits of the case by this Court.

This application for bail being CRM (NDPS) 466 of 2025 is, thus, allowed.

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.)