

23.05.2025

akb

Sl. 64

Ct.29

Allowed

CRM (NDPS) No. 488 of 2025

In re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the Code of Criminal Procedure, 1973 filed in connection with NDPS 91 of 2024 arising out of Palashipara Police Station Case No. 480 of 2024 dated 29.9.2024 under Section 21(c) of the N.D.P.S. Act, 1985.

And

In re: Mojibar Halsana @ Halsana Mujibar ... petitioner.

Mr. Diptendu Narayan Banerjee

Ms. Pinki Sarkar

...for the petitioner

Mr. Bitasok Banerjee

Mr. Prakash Mishra

...for the State.

It is submitted on behalf of the petitioner that 588 gms of Heroine was allegedly recovered from the co-accused persons and the petitioner has been implicated in the present case only on the basis of the alleged source information which the police personnel allegedly received on 7.10.2024 and on the basis of which they conducted raid. However, nothing was recovered from his possession and he is in custody for about 226 days.

Learned counsel for the State did not oppose the bail prayer seriously on the ground that the name of the petitioner even did not transpire in the statements recorded during investigation and his name has only transpired in the charge-sheet where it has been stated that on the basis of leading statement of the principal accused and source information, they have arrested the present petitioner.

Having considered the submissions made on behalf of petitioner and the State and the materials so far available in the case diary, I find that rigour of Section 37 of the NDPS Act may not attract in the present case in respect of the present petitioner.

In such view of the matter, petitioner namely, **Mojibar Halsana @ Halsana Mujibar** shall be enlarged on bail upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, one of whom must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Nadia, Krishnanagar and on condition that he will not leave the geographical limit of district Nadia without taking permission from the Trial Court and also on condition that he will meet the Officer-in-Charge, Palashipara Police Station once in a week till further order 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 Court below will be at liberty to cancel the bail in the event of violation of any of the conditions without making any further reference to this Court.

Be it mentioned, that anything said herein shall be construed as an expression of opinion on the merits of the case.

The application for bail being **CRM (NDPS) 488 of 2025** is, accordingly allowed and disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)