

17.07.2025
Item no.27
Ct. No. 29
BD.

C.R.M. (NDPS) 532 of 2025

In Re:- An application for bail under section 439 of the Code of Criminal Procedure 1973, corresponding to under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliachak Police Station Case No. 872 of 2024 dated 16/06/2024 under sections 21(C)/29 of the NDPS Act, 1985.

In the matter of : **Torikul Islam @ Torik @ Tarikul**
.... Petitioner.

Mr. Arup Kumar Bhowmick ...for the Petitioner.

Ms. Rajnandini Das ...for the State.

Status report submitted by the State is taken on record.

Petitioner's contention is that nothing was recovered from the possession of the petitioner and 520 bottles in one sack and 600 bottles in another sack were allegedly recovered from a lichi orchard. Petitioner submits that he is in custody for about one year since 21.06.2024. He further submits that petitioner was not arrested from the spot but he was arrested seven days thereafter on the basis of co-accused statement. He further submits that two other accused persons who were arrested on the basis of co-accused statement have already been granted bail. He further submits that investigation has already been culminated into a charge-sheet. He further submits that his bail prayer was lastly rejected by this Court on 20th December, 2024 when the

charge-sheet was not submitted. Accordingly, he may be released on bail on any terms and conditions.

Learned counsel for the State opposed the bail prayer contending that it has been detected from the videography that petitioner fled away from the spot when the raiding team reached the spot. She further submits that CDR discloses that petitioner had made phone calls with the co-accused Madhab Chandra Das. She further submits that the prosecution proposes to examine seven witnesses and after framing of charge on 8th April, 2025 two dates were fixed in the month of June for examination of witnesses but since no witness turned up, the examination of prosecution witnesses have not yet been started. However, next date is fixed on 11th and 12th August, 2025.

I have considered the submissions made on behalf of both the parties. It appears that the prosecution has not shown any recovery of narcotic substance from the present petitioner. Moreover, two other accused persons are also on bail. Investigation has already been culminated into a charge-sheet and charge has already been framed. However, there is hardly any chance of early conclusion of trial. Petitioner is in custody for more than one year. Considering all these circumstances, I find that further detention of the present petitioner may not yield any fruitful result. In such circumstances, the prayer for bail is considered and allowed.

Accordingly, the petitioner namely, **Torikul Islam @ Torik @ Tarikul**, 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, Malda, and also on condition that the petitioner shall not leave the geographical limit of District- Malda, without the leave of the trial court, and shall report to the Inspector-in-Charge, Kaliachak Police Station, District –Malda, 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.

Accordingly, C.R.M. (NDPS) 532 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.)