

10.07.2025

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Allowed

C.R.M. (NDPS) 547 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Baishnabnagar Police Station case no. 1308 of 2024 dated 23.11.2024 under Sections 21(C)/25/29 of the NDPS Act, 1985.

And

In the matter of : **Masidur Sk.**

.... Petitioner

Mr. Arup Kumar Bhowmick

...for the Petitioner

Mr. Ranadeb Sengupta

Ms. Ankita Paul

...for the State

Report submitted by the State is taken on record.

Petitioner submits the nothing was recovered from the possession of the present petitioner and his name transpired from the co-accused statement. He further submits that he has no criminal antecedents and he is in custody for about 114 days and as such, he may be released on bail on any terms and conditions.

Learned counsel for the State opposed the bail prayer contending that the present petitioner has made several phone calls with the accused persons from whom the recovery was made and the CDR shows that several communications were made by the petitioners with accused persons at the material point of time. However, he candidly submits that the petitioner has no criminal antecedents as it appears from the record and nothing was recovered from the possession of the present petitioner.

Having considered the submissions made on behalf of both the parties and in the absence of any transcription of the CDR calls, the suspicion raised by the petitioner may not be grave suspicion to attract the rigour of Section 37 of the NDPS Act and as such, the prayer for bail made by the petitioner is allowed.

Accordingly, the petitioner namely, **Masidur Sk.** shall be released on bail upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs. 10000/- each, of which one must be local, subject to the satisfaction of the learned Chief Judicial Magistrate, Malda 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 petitioner shall not leave the geographical limit of district of Malda without taking leave from the court below and shall report to the Inspector-in-charge, Kaliachak Police Station once in a week until 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) 547 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.)