

15.07.2025

Item no.55

Ct. No. 29

sg

C.R.M. (NDPS) 605 of 2025

In Re:- An application for bail under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 16.05.2025 in connection with Bhagwangola Police Station Case No. 535 of 2024 dated 21.10.2024 under sections 21(C)/ 29 of the NDPS Act, 1985.

In the matter of : Siddik Sk @ Siddik Khalegue @ siddik Hossain
.... Petitioner.

Ms. Sangeeta Chakraborty,
...for the Petitioner.

Ms. Anasuya Sinha,
Mr. Mujibar Ali Naskar
...for the State.

It is submitted on behalf of the petitioner that the petitioner was arrested on the basis of co-accused statement and nothing was recovered from his possession and he is in custody for about 263 days. She further submits that the charge-sheet has already been submitted and out of five accused persons, the principal accused from whom the recovery was made is in custody other two accused persons who were also arrested on the basis of statement that co-accused obtained anticipatory bail from this Court vide order dated 7th May, 2025 in CRM (A) 1507 of 2025.

She further submits that the present petitioner is almost on the same footing with that of the co-accused who have obtained anticipatory bail and as such he may be released on bail on any terms and conditions.

Ms. Sinha, learned counsel appearing on behalf of the State opposed the bail prayer. However, in his usual fairness submits that nothing was recovered from the possession of the petitioner and he was arrested on the basis of co-accused statement. However, his bail prayer was rejected on 16th January, 2025 when the investigation was still in progress. At present investigation culminated into a charge-sheet though charge has not yet been framed.

Having heard learned counsel appearing on behalf of the petitioner and the State and that petitioner was arrested on the basis of co-accused statement which has no evidentiary value in view of case **Toofan Singh** case in AIR 2020 SC 5592 and that investigation has already been culminated into a charge sheet and as such His further detention may not be required and that rigours of Section 37 of the NDPS Act may not attract in the instant case in respect of present petitioner, his prayer for bail is allowed.

Siddik Sk @ Siddik Khalegue @ siddik Hossain shall find interim 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, Berhampore, and also on condition that the petitioner shall not leave the geographical limit of Bhaganwangola without the leave of the trial court,

and he will report I.C. Bhaganwangola Police Station once in a week until further order.

Accordingly, C.R.M. (NDPS) 605 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.)