

17.07.2025
Item no.32
Ct. No. 29
BD.

C.R.M. (NDPS) 602 of 2025

In Re:- An application for bail under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023/under section 439 of the Code of Criminal Procedure 1973, in connection with NDPS Case No. 185 of 2022 arising out of English Bazar Police Station Case No. 1612 of 2022 dated 23/10/2022 under sections 25/21(c)/27(A)/29 of the NDPS Act, 1985.

In the matter of : **Kabatulla Sk @ Kabtulla**
.... Petitioner.

Mr. Md. Wasim Akram
Ms. Sabrina Parveen ...for the Petitioner.

Ms. Sreyashee Biswas
Mr. Anindya Sundar Chatterjee ...for the State.

Petitioner contended that nothing was recovered from his possession. Prosecution case is that 270 gms. of heroine was recovered from the possession of one Ali Hossain. The petitioner was arrested on the basis of co-accused statement and he is custody for about seven months thirteen days, and as such, he may be released on bail on any terms and conditions.

Learned counsel for the State submits that petitioner was absconding for about two years and after issuance of warrant of proclamation and warrant of attachment the petitioner was arrested. She further submits that CDR discloses the telephonic conversation in between the petitioner and the principal accused persons. She further submits that the petitioner has criminal antecedence being Kaliachak Police Station

Case No. 298 of 2019. Accordingly, she opposed the prayer for bail made by the petitioner.

Learned counsel appearing on behalf of the petitioner in reply submits that the petitioner has already been discharged from the said case on the basis of the report submitted in final form. He further submits that his father's name mentioned in the charge-sheet does not tally with the actual name of his father. Accordingly, he also raised dispute about the identity of the accused. In reply learned counsel for the State submits that in the memo of arrest father's name of the petitioner has been correctly recorded and accordingly there is no confusion over the identity of the petitioner.

Having heard learned counsel appearing on behalf of both the parties and that nothing was recovered from the possession of the present petitioner and that in the absence of transcription of the CDR the suspicion raised against the petitioner may not be grave to attract the rigour of section 37 of the NDPS Act, the prayer for bail made by the petitioner is considered and allowed.

Accordingly, the petitioner namely, **Kabatulla Sk @ Kabtulla**, 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) 602 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.)