

15.07.2025

Item no.56

Ct. No. 29

sg

C.R.M. (NDPS) 606 of 2025

In Re:- An application for bail under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 19.05.2025 in connection with Sagarpara Police Station Case No. 475 of 2024 dated 01.12.2024 under sections 21(C)/ 29 of the NDPS Act, 1985.

In the matter of : Pintu Mondal @ Bitu
.... Petitioner.

Mr. Jisan Iqubal Hossain
...for the Petitioner.

Ms. Faria Hossain,
Md. Yaser A. Ismail
...for the State.

It is submitted on behalf of the petitioner that he is in custody for about seven months, and 700 bottles of phensedyl syrup was allegedly seized from the possession of the principal accused Ajijul Sheikh, from whose statement the name of the present petitioner transpired. He further submits that the petitioner has no criminal antecedent. Since no recovery was made from the petitioner the rigour of Section 37 of the NDPS Act may not attract in respect of the present petitioner. As such he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State opposed the bail prayer. However, in his usual fairness he submits that nothing was recovered from his possession during investigation and his name transpired from the co-accused statement. According to the

prosecution case present petitioner fled away when the search and seizure were made. He further submits that the bail prayer of the present petitioner was rejected on the 18th February, 2025 when the investigation was in progress but thereafter investigation has already been culminated into a charge sheet though charge has yet been framed.

Having heard learned counsel appearing on behalf of the petitioner and the State and that nothing was recovered from the possession of the present petitioner and his name transpired from the co-accused statement and that there is no criminal antecedent of the present petitioner, the rigour of Section 37 of the NDPS Act may not attract in respect of the present petitioner. As such his prayer for bail is allowed.

Pintu Mondal @ Bitu 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, Murshidabad and also on condition that the petitioner shall not leave the geographical limit of Murshidabad District without the leave of the trial court, and he will report Officer-in-charge, Sagarpara Police Station once in a week until further order.

Accordingly, C.R.M. (NDPS) 606 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.)