

12.06.2025
Item No.14(DL)
Court No.29
srm
(Allowed)

C.R.M.(NDPS) 611 of 2025

In re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973/Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with of Baishnabnagar Police Station Case No.648/2023 dated 22.09.2023 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985;

-And-

In the matter of : Rahamatulla Sekh @ Md. Rahamatulla Sk.

... Petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.
Mr. Avinaba Patra,
Mr. Dipayan Kundu,
Ms. Sunayan Ghosh

...for the Petitioner.

Mr. Arindam Sen,
Ms. Baishakhi Chatterjee

... ...for the State.

It is submitted on behalf of the petitioner that 311 gms. of brown sugar was allegedly recovered from one Bapi Sk. who is in custody. The name of the present petitioner transpired from the statement of the co-accused and after arrest nothing was recovered from the possession of the present petitioner. The petitioner is no way involved with the alleged offence and he has been falsely implicated and as such he may be released on bail on any terms and conditions.

Learned Counsel appearing on behalf of the State in his usual fairness submits that he had checked the case diary which does not disclose any phone call in between the principal

accused and the present petitioner. Accordingly, he leaves the prayer for bail to the discretion of the Court.

I have considered the submissions made by the parties. It appears that after arrest no recovery was made from the present petitioner and also police could not place any transcription to show that there was any contact in between the petitioner and the principal accused about the alleged recovery. Considering the aforesaid facts and circumstances of the case, I find that the rigour of Section 37 of the NDPS Act may not attract in the present case in respect of the present petitioner. As such the prayer for bail is allowed.

Accordingly, the petitioner, namely, **Rahamatulla Sekh @ Md. Rahamatulla Sk.** shall be released on bail upon furnishing a bond of Rs.20,000/- with two registered sureties of Rs.10,000/- 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 meet the Inspector-in-Charge, Baishnabnagar Police Station once in a fortnight 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, the application for bail being CRM (NDPS) 611 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.)