

17.07.2025
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SB
Allowed

C.R.M. (NDPS) 628 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS case no. 12 of 2024 arising out of English Bazar Police Station case no. 213 of 2024 dated 12.2.2024 under Sections 21(C)/29 of the NDPS Act, 1985.

And

In the matter of : **Jahangir Sekh**

.... Petitioner

Mr. Sagar Saha

Ms. Nayana Mukhopadhyay

...for the Petitioner

Ms. Faria Hossain, Ld. APP

Ms. Baishakhi Chatterjee

...for the State

Petitioner submits the nothing was recovered from the possession of the present petitioner and the principal accused namely, Tipu Sk. has already been granted statutory bail as the chemical examination report was not placed with the charge-sheet within the statutory period. He further submits that the name of the present petitioner transpired from the statement of the co-accused, Badal Sekh @ Abadur Sk. who has been granted anticipatory bail by this court in CRM (A) 1657 of 2025. He is almost on the same footing with the said co-accused, Badal Sekh @ Abadur Sk. and as such, he may be released on bail on any terms and conditions.

Learned counsel for the State opposed the bail prayer but in her usual fairness, she submits that nothing was recovered from the possession of the present petitioner during investigation and he is almost on the same footing with the

co-accused, Badal Sekh @ Abadur Sk., who had taken the name of the present petitioner during investigation.

Having considered the submissions made on behalf of both the parties, I find that the rigour of Section 37 of the NDPS Act may not attract in respect of the present petitioner in the instant case and as such, the prayer for bail made by the petitioner is allowed.

Accordingly, the petitioner namely, **Jahangir Sekh** 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, English Bazar 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) 628 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.)