

25.06.2025
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Allowed

C.R.M. (NDPS) 630 of 2025

In Re:- An application for Bail under Section 439 of the Criminal Procedure Code as amended/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS case no. 102 of 2024 arising out of Nakashipara Police Station case no. 1008 of 2024 dated 31.10.2024 under Sections 21(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Majit Sk @ Maju Sk @ Majid Sk @ Maju Petitioner**

Mr. Tapodip Gupta

...for the Petitioner

Mr. Suman De

Mr. Nirupam Dhali

...for the State

Petitioner submits that he was arrested on the basis of the statement of the co-accused which got no evidentiary value in view of **Toofan Singh** case reported in **AIR 2020 SC 5592**. he further submits that 356 gms. of heroin was allegedly recovered from the possession of another co-accused namely, Sajejul Sk. @ Iman but even after taken him into custody, nothing was recovered from his possession and he is in custody for about 8 months and as such, he may be released on bail on any terms and conditions.

Learned counsel for the State opposed the prayer for bail contending that the petitioner had two other criminal antecedents in connection with Tehatta PS case no. 125 of 2015 and another is Palashipara PS case no. 273 of 2021 under the NDPS Act and as such, if he is released on bail, there is every chance of committing similar type of offence by the petitioner.

In reply, learned counsel for the petitioner submits that the petitioner is already acquitted from both the cases and in support of which he furnished the copy of judgment passed in those two cases dated 19th August, 2023 and 3rd April, 2019.

Having considered the submissions made on behalf of both the parties and also considering the materials placed before this court, it appears that rigour of Section 37 of the NDPS Act may not attract in respect of the present petitioner in this case and that charge-sheet submitted but trial has not yet started and as such, nobody knows when the trial would be concluded and considering all these, the prayer for bail made on behalf of the petitioner is allowed.

Accordingly, the petitioner namely, **Majit Sk @ Maju Sk @ Majid Sk @ Maju** 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, Krishnanagar, Nadia 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 Nadia without taking leave from the court below and shall meet the Investigating Officer/Officer-in-charge, Palashipara

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) 630 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.)