

12.08.2025
Item no.49
Ct. No. 29
BD.
(ALLOWED)

C.R.M. (NDPS) 676 of 2025

In Re:- An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 4 of 2024 arising out of Tapan Police Station Case No. 769 of 2023 dated 31/12/2023 under sections 21(c)/22(c)/23 (c)/27A of the NDPS Act, 1985.

In the matter of : **Majid Sarkar @ Abdul Majid Sarkar**
@ Abdul Majid Molla Petitioner.

Mr.Kaushik Chowdhury
Mr. Rakesh Jana ... for the petitioner.

Mr. Ranadeb Sengupta
Ms. Chandreyi Dutta ... for the State.

It is submitted on behalf of the petitioner that nothing was recovered from his possession and he is in custody for about 109 days. He further submits that the principal accused obtained statutory bail and the investigation has already been culminated into charge-sheet and several persons are involved with the alleged offence who are absconding and as such there is hardly any chance of early commencement of trial and therefore he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State opposed the bail prayer contending that three independent witnesses have made statements involving the present accused and that the present petitioner has criminal antecedence in connection with Tapan Police Station Case No. 113 of 2018 under the Arms Act.

Having heard the submissions made on behalf of the petitioners and the State and that nothing was recovered from the possession of the present petitioner and that investigation has already been culminated into a charge-sheet and that there is hardly any chance of early commencement of trial and that since no recovery was made from the present petitioner, rigour of section 37 of the NDPS Act, may not attract and considering all these, the prayer for bail made by the petitioner is allowed.

Accordingly, the petitioner namely **Majid Sarkar @ Abdul Majid Sarkar@ Abdul Majid Molla**, 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, Dakshin Dinajpur, and also on condition that the petitioner shall not leave the geographical limit of District- Dakshin Dinajpur, without the leave of the trial court, and shall report to the Officer-in-Charge Tapan Police Station, District- Dakshin Dinajpur, twice 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) 676 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.)