

31.07.2025

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SR

Allowed

CRM (NDPS) 677 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with **Gangarampur Police Station Case No.83 of 2024** dated 27.02.2024 under Sections 21(c)/22(c)/23(c)/27A/28/29 of the NDPS Act, 1985.

And

In the matter of : **Altaf Miya**

.... Petitioner

Mr. Kaushik Chowdhury

Mr. Rakesh Jana

...for the Petitioner

Mr. Bitasok Banerjee

Ms. Ankita Paul

...for the State

Prosecution case is that 75 bottles of cough syrup containing codeine phosphate was recovered from the possession of one Mostaque Hossain and the name of the present petitioner transpired from the co-accused statement and he is in custody for about 110 days. He further submits that the petitioner has no criminal antecedent and investigation has already been culminated into a charge-sheet. He further submits that the case diary material discloses that no allegation has been levelled against him about money trailing nor any CDR has been detected in connection with the present petitioner. He further submits that another co-accused, namely, **Sultan Miya @ Ali** whose name also transpired from the co-accused statement has already obtained bail from this Court in CRM (NDPS) 260 of 2025 and he is almost on the same footing.

Learned counsel appearing on behalf of the State opposed to the bail prayer. However, in his usual fairness, he submits that during investigation nothing was recovered from his possession and he is almost on the same footing with that of co-accused, namely, **Sultan Miya @ Ali**.

Having heard learned counsel appearing on behalf of the petitioner and the State and that, the rigour of Section 37 of NDPS Act may not attract in respect of the present petitioner in the instant case and he is almost on the same footing with the co-accused, namely, **Sultan Miya @ Ali**, the prayer for bail is allowed.

Accordingly, the petitioner, namely, **Altaf Miya** 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 learned trial court, and shall report to the Inspector-in-Charge/Officer-in-Charge, Gangarampur Police Station, District – Dakshin Dinajpur, once 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, CRM (NDPS) 677 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.)