

01.07.2025
Item no.22
Ct. No. 29
BD.

C.R.M. (NDPS) 662 of 2025

In Re:- An application for bail under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 120 of 2024 arising out of Tehatta police station case no. 922 of 2024 dated 17/12/2024 under sections 21(c)/29 of the NDPS Act, 1985.

In the matter of : **Akshay Biswas** Petitioner.

Mr. Amanul Islam
Mr. Sourav Mukherjee ...for the Petitioner.

Mr. Md. Adil Badr,
Mr. Asif Dewan ...for the State.

It is submitted on behalf of the petitioner that nothing was recovered from the possession of the present petitioner and his name was transpired only on the basis of the statement of the co-accused Enamul Malitha, from whom, 5000 bottles of Phensedyl containing codeine phosphate was allegedly recovered. The present petitioner is no way involved with the alleged offence and he is in custody for about 150 days. He further submits that the investigation has already been culminated into a charge-sheet which was filed on 12th June, 2025 and nobody knows when the trial would be concluded and as such, he may be released on bail on any terms and conditions.

Learned counsel for the State though opposed the bail prayer but in his usual fairness, he submits that nothing was recovered from the possession of the

petitioner and he was apprehended on the basis of co-accused statement. Accordingly, he leaves the prayer for bail to the discretion of the court.

Having heard learned counsel for both the parties and on perusal of the materials placed before me, I find that rigour of Section 37 of the NDPS Act may not attract in the present case in respect of the present petitioner.

In such view of the matter, the petitioner namely, **Akshay Biswas** 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, Krishnanagar, Nadia, and also on condition that the petitioner shall not leave the geographical limit of District Nadia without the leave of the trial court, and shall report to the Officer-in-Charge, Tehatta Police Station, Nadia, 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, C.R.M. (NDPS) 662 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.)