

CRM (NDPS) 705 of 2025

An application for bail under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Patiram Police Station Case No. 03/2025 dated 01.01.2025 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act.

Dulal Mohanta & Ors.
Vs.
The State of West Bengal

Mr. Milon Mukherjee, Sr. Advocate
Mr. Biswajit Mann
.....For the Petitioners
Ms. Amita Gaur
Mr. Prakash Mishra
....For the State

It is submitted on behalf of the petitioners that the petitioner no.1 is in custody since 22nd February, 2025 and the petitioner nos. 2 and 3 are in custody from 1st March, 2025. It is further submitted that 20,725 ampoules of Buprenorphine injection I. P. Cooper Cupegesic was allegedly recovered from a vehicle which was driven by one Alok Mondal. It is also submitted that all the three petitioners were arrested on the basis of a co-accused statement but during investigation nothing was recovered from the possession of the present petitioners. Investigation has been culminated into a charge sheet and as such the petitioners may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State opposed the bail prayer contending that during investigation it revealed that the petitioner no.2 Ram Prosad Khatik received 166 incoming calls and

made 47 outgoing calls with one of the principal accused Jahangir Mondal in between 3rd March, 2024 and 9th February, 2025. She further submits that the co-accused Dulal Mahanta has received five incoming calls from Jahangir Mondal in between 8th and 26th February, 2025. However, no CDR has been detected in connection with accused no.3 Lal Bahadur Khatik. She further submits that the co-accused, namely, Imran Hossain was also arrested on the basis of co-accused statement and his bail prayer was rejected by this court on 10th July, 2025 in CRM (NDPS) 20 of 2025. Accordingly, she submits that all the petitioners are the members of a racket in dealing with the narcotic substance with foreign country.

Having heard the submissions made on behalf of both the parties and on the basis of the materials collected so far during investigation, I find that the rigour of Section 37 of the NDPS Act does not attract in respect of the petitioner no.1 Dulal Mohanta and petitioner no.3 Lal Bahadur Khatik as they have succeeded to overcome the restrictions imposed in Section 37 of the NDPS Act and as such the bail prayer made by petitioner no.1 and petitioner no.3 is allowed.

Accordingly, the petitioner no. 1 namely, **Dulal Mohanta** and petitioner no. 3, namely, **Lal Bahadur Khatik** 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, Balurghat, and also on condition that the petitioner no.1 and petitioner no.3 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/Inspector in Charge, Patiram Police Station, District – Dakshin Dinajpur, once in a week until further order.

It is further ordered that the accused persons shall not mis-use the liberty granted by this Court and they shall not tamper with any evidence orally or documentary during the trial. They shall not absent themselves on any day during trial and shall not commit any offence while on bail. They shall give him mobile phone number to the local police station and shall not change it without prior permission of the trial court and they shall not in any manner try to delay the trial. The petitioners shall not leave the jurisdiction of trial court without taking leave from the court below. 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 by this Court.

However, the bail prayer made by petitioner no.2 Ram Prosad Khatik is considered and rejected in view of the facts and circumstances and the materials placed before the court.

Accordingly, CRM (NDPS) 705 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.)