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13.08.2025
Ct. 29
Jayanta
Allowed

C.R.M. (NDPS) 701 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 arising out of Tapan Police Station case no. 769/2023 dated 31.12.2023 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act,

And

In the matter of : **Nayan Sarkar @ Naim Sarkar**
@ Naime Bappa Sarkar.
.... Petitioner

Mr. Kaushik Choudhury
Mr. Rakesh Jana

...for the Petitioner

Mr. Suman De
Mr. Ratul Ghosh

...for the State

Prosecution case is that 500 bottles of phensedyl cough syrup containing codine phosphate was recovered from the possession of one Bapi Mahalat @ Bappi Mahalat. The name of the petitioner transpired from the co-accused statement and he is in custody for about 99 days. He further submits that the charge sheet has been submitted on 14th March, 2025 and the charge has also been framed on 15th July, 2025. He further submits that he voluntarily surrendered before the Court and as charge sheet has also been submitted, no fruitful purpose will be served by detaining him any further in the custody.

Learned counsel appearing on behalf of the State opposes to the bail prayer. However, in his usual fairness submits that nothing was recovered from the

possession of the present petitioner during investigation and his name transpired from the co-accused statement. However, trial has already been commenced and 11th, 12th, 15th and 19th September, 2025 are fixed for examination of the prosecution witnesses and as such it is expected that the trial would be concluded within a short span of time.

Having heard learned counsel appearing on behalf of the petitioner and the State and that the investigation has already been ended in a charge sheet and that no recovery was made from the present petitioner and as such rigor of Section 37 of the NDPS may not attract in respect of the present petitioner and that no fruitful purpose will be served by detaining him any further in the custody in view of completion of investigation, his prayer for bail is allowed.

Accordingly, the petitioner namely, **Nayan Sarkar @ Naim Sarkar @ Naime Bappa Sarkar**, shall be released on bail upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, of which one must be local, subject to the satisfaction of the learned Chief Judicial Magistrate, Balurghat, Dakshin Dinajpur 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 Dakshin Dinajpur without taking leave from the court below and shall report to the Inspector-in-charge, Tapan 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) 701 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.)