

44
14.08.2025
Ct. 29
Jayanta
Allowed

C.R.M. (NDPS) 702 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Kaliachak Police Station case no. 635/2025 dated 20.04.2025 under Sections 21(c)/29, 27 (A), 29 of the NDPS Act;-

And

In the matter of : **Abu Motaleb @ Fitu @ Abdul Motaleb**
.... Petitioner

Mr. Sagar Saha
Ms. Nayana Mukhopadhyay

...for the Petitioner

Ms. Srayashee Biswas
Ms. Ratna Ghosh

...for the State

The prosecution case is 610 grams of brown sugar was recovered from the possession of one Sumita Basak and the name of the present petitioner transpired from the statement of that principal accused. However, the petitioner was taken on six days police custody but nothing was recovered from him. He is in custody for about 116 days, though he is not FIR named and considering all these his further detention may not be required for the purpose of investigation.

Learned counsel appearing on behalf of the State opposed the bail prayer contending that the investigation is still in progress and they have not yet received the CFSL report also. However, she submits that the petitioner's name transpired from the co-

accused statement and nothing was recovered from his possession.

Having heard the learned counsel appearing on behalf of the petitioner and the State and that no recovery of contraband was made from the possession of the present petitioner, the rigor of Section 37 of the NDPS Act may not attract in respect of the present petitioner and that the investigation in respect of the present petitioner must have advanced to a considerable extent during his incarceration and his further detention may not be required for the purpose of investigation.

Accordingly, prayer for bail is allowed.

Accordingly, the petitioner namely, **Abu Motaleb @ Fitu @ Abdul Motaleb**, 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, Malda 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 Malda without taking leave from the court below and shall report to the Inspector-in-charge, Kaliachak 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) 702 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.)