

19.08.2025
Item no.43
Ct. No. 29

C.R.M. (NDPS) 704 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 06 of 2025 arising out of Berhampore Police Station Case No. 2126 of 2024 dated 28/12/2024 under sections 21(c)/29 of the NDPS Act, 1985.

BD. In the matter of : **Diken Sk.** Petitioner.

Mr. Golam Mostafa
Mr. Kazi Asif Iqbal
Mr. Ashrafur Rahman ... for the petitioner.

Mr. R.R. Choudhury
Mr. Raju Mondal ... for the State.

(ALLOWED)

Prosecution case is that 1000 bottles of phensedyl containing codeine phosphate was recovered from the possession of one co-accused Mustak Ahamed Mondal @ Nantu and the name of the present petitioner transpired from the co-accused statement. It is further submitted that the petitioner is in custody for about 174 days and though police had taken him to police custody for seven days but nothing was recovered from his possession and charge-sheet has been submitted in this case on 21st May, 2025 but the charge has not yet been framed and as such nobody knows when the trial would be concluded and as such he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State opposed the bail prayer contending that the petitioner was one of the prospective recipients of the narcotic

substance in terms of the contents of the FIR, however, in his usual fairness he submits that name of the petitioner transpired from the co-accused statement during investigation and nothing was recovered from his possession.

Having heard the submissions made on behalf of the petitioner and the State and that no recovery of contraband substance was made from the possession of the present petitioner the rigour of section 37 of the NDPS Act, may not attract in respect of the present petitioner in this case and as such, the prayer for bail made by the petitioner is allowed.

Accordingly, the petitioner namely **Diken Sk.**, 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, Berhampore, District- Murshidabad, and also on condition that the petitioner shall not leave the geographical limit of District- Murshidabad, without the leave of the trial court, and shall report to the Inspector-in-charge/Officer-in-Charge, Berhampore, Police Station, District- Murshidabad, 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) 704 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.)