

30.07.2025
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Allowed

C.R.M. (NDPS) 721 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS case no. 130 of 2024 arising out of Berhampore Police Station case no. 2008 of 2024 dated 09.12.2024 under Sections 21(C)/29 of the NDPS Act, 1985.

And

In the matter of : **Pintu Dafadar @ Manowar Hossain Mondal**
.... Petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose ...for the Petitioner

Ms. Amita Gaur, Sr. Adv.
Ms. Mamata Jana ...for the State

Report submitted by the State is taken on record.

Petitioner submits that 15000 bottles of phensedyl cough syrup containing codeine phosphate was recovered from a truck which driven by two accused persons namely, Kishan Dev and Chamad Molla and from their statement, the name of the two accused persons including the name of the present petitioner transpired. He further submits that other accused person whose name transpired from the co-accused statement namely, Rijuwan Sk @ chattu @ Rejuyan Sk., has already been granted anticipatory bail by this court vide order dated 22.7.2025 in CRM (A) 2276 of 2025 and the present petitioner is almost on the same footing and he is in custody for about 67 days and the trial has not yet been started and as such, he may be released on bail on any terms and conditions.

Learned counsel for the State opposed the bail prayer but in her usual fairness, she submits that nothing was

recovered from the possession of the present petitioner during investigation and he is almost on the same footing with that of the co-accused namely, Rijuwan Sk @ chattu @ Rejuyan Sk. She further submits that the report reveals that the petitioner has no criminal antecedent and neither the allegation of money trailing has been levelled against him nor any CDR had been detected during investigation.

Having considered the submissions made on behalf of both the parties and that nothing was recovered from the possession of the present petitioner during investigation and that rigour of Section 37 of the NDPS Act may not attract in respect of the present petitioner in the instant case and considering all these, the prayer for bail made by the petitioner is allowed.

Accordingly, the petitioner namely, **Pintu Dafadar @ Manowar Hossain Mondal** 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, Berhampore 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 Murshidabad without taking leave from the court below and shall report to the O.C./I.C., Sagarpara 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) 721 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.)