

25.07.2025
Item no.19
Ct. No. 29
BD.

C.R.M. (NDPS) 738 of 2025

In Re:- An application for bail under section 439 of the Code of Criminal Procedure 1973, or under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 10 of 2025 arising out of Sealdah GRPS Police Station Case No. 11 of 2025 dated 31/01/2025 under sections 20(b)(ii)(c)/29 of the NDPS Act, 1985.

In the matter of : **Sohidul Sk @ Sahidul Sk.**
.... Petitioner.

Mr. Joy Chakraborty
Mr. Sandip Dinda ...for the Petitioner.

Mrs. Sreyashi Biswas
Mrs. Pallavi Pridarshee ...for the State.

Prosecution case is that 20.800 Kgs. of ganja was allegedly recovered from the possession of one co-accused Ramjan Sk. The name of the petitioner transpired from the co-accused statement and nothing was recovered from the possession of the present petitioner during investigation. Petitioner is in custody for more than five months and the investigation has already been culminated into a charge-sheet. However, trial has not yet been started. As such nobody knows when the trial would be concluded. Petitioner further submits that other co-accused, namely, Sagir Hossain whose name also transpired from the co-accused's statement has already been obtained bail from this Court in CRM (NDPS) 540 of 2025 and the present petitioner is almost on the same footing as that of Sagir Hossain 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, however, in her usual fairness she submits nothing was recovered from the possession of the present petitioner and she has also not disputed that the present petitioner is almost on the same footing with that of co-accused Sagir Hossain. However, she on behalf of State submits that CDRs discloses that there were phone calls in between the petitioner and the principal accused persons.

Having considered the submission made on behalf of the petitioner and the State, it appears that nothing was recovered from the possession of the present petitioner during investigation and though the prosecution relied upon the CDRs but no transcription could be submitted by the prosecution from the alleged CDRs and as such even if CDRs raises certain amount of suspicion against the present petitioner but such suspicion cannot be stated to be grave suspicion to attract rigour of Section 37 of the NDPS Act. Moreover, it appears that the present petitioner is almost on the same footing with that of the co-accused Sagir Hossain and considering all these prayer for bail made by the petitioner is allowed.

Accordingly, the petitioner namely, **Sohidul Sk @ Sahidul 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, South 24 Parganas, and also on condition that the petitioner shall not leave the geographical limit of District- South 24 Parganas, without the leave of the trial court, and shall report to the Officer-in-Charge, Sealdah GRPS Police Station, District –South 24 parganas, 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) 738 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.)