

20.08.2025
Item no.17
Ct. No. 29

C.R.M. (NDPS) 732 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 18 of 2024 arising out of Burdwan Police Station Case No. 104 of 2024 dated 26/02/2024 under sections 22(c)/29 of the NDPS Act, 1985.

BD.

In the matter of : **Madhab Mandal @ Madhab Mondal**
.... Petitioner.

Mr.Sandip Dinda ... for the petitioner.

Mr. Abhishek Sinha
Ms. Rajnandini Das ... for the State.

(ALLOWED)

Report submitted by the State dated 17.08.2025 is taken on record.

Prosecution case is that 979 bottles of cough syrup containing codeine phosphate was recovered from the joint possession of the present petitioner and one Sujan Sk @ Sujan Sheikh. Petitioner's counsel submits that petitioner is in custody for about one and a half year and investigation has already been culminated into charge-sheet and as per charge-sheet prosecution proposes to examine 17 witnesses. However, the charge has not yet been framed. He further submits that co-accused Sujan Sk @ Sujan Sheikh has been granted bail by the Apex Court in Special Leave to Appeal (Crl.) No. 1134 of 2025 dated 28th April, 2025, the present petitioner is almost on the same footing 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 but in her usual fairness she submits that the present petitioner is almost on the same footing with that of co-accused Sujan Sk @ Sujan Sheikh.

Having heard learned counsel appearing on behalf of the petitioner and the State and that the present petitioner is almost on the same footing with that of other co-accused Sujan Sk @ Sujan Sheikh who has already obtained bail from the Apex Court and that the trial has not yet commenced and the prosecution proposes to examine 17 witnesses and as such there is no certainty as to when the trial would be concluded and considering all these the prayer for bail made by the petitioner is allowed only on the touchstone of Article 21 of the Constitution of India.

Accordingly, the petitioner namely **Madhab Mandal @ Madhab Mondal**, 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, 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, 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) 732 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.)

