

09.07.2025
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Allowed

C.R.M. (NDPS) 734 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. 125 of 2024 arising out of Sagarpara Police Station case no. 475 of 2024 dated 1.12.2024 under Sections 21(C)/29 of the NDPS Act, 1985.

And

In the matter of : **Monindra Sarkar**

.... Petitioner

Mr. Arnab Chatterjee
Mr. Avik Ghosh

...for the Petitioner

Mr. Aniket Mitra
Mr. Abhishek Verma

...for the State

Petitioner submits that nothing was recovered from the possession of the present petitioner and the prosecution case is that 700 bottles of cough syrup containing codeine phosphate was allegedly recovered from the co-accused, Aijul Sheikh, who is in custody. He further submits that the petitioner is in custody for more than six months and his name was transpired from the co-accused statement which is no evidentiary value in view of the judgment of **Toofan Singh's case** reported in **AIR 2020 SC 5592**.

Learned counsel for the State opposes the bail prayer. However, in his usual fairness, he submits that the name of the present petitioner transpired from the co-accused statement and it is true that nothing was recovered from the possession of the petitioner. He further submits that the prosecution proposes to examine 13 witnesses but charge has not yet framed since some of the co-accused are still

absconding. He further submits that another co-accused Daud Mondal, who is almost on the same footing with that of the present petitioner, has been granted anticipatory bail by this court in CRM (A) 1921 of 2025. The bail prayer of the other co-accused namely, Pintu Mondal was rejected by this court on 18th February, 2025 when the charge-sheet was not submitted in this case.

He candidly admits that neither any CDR transpiring complicity of the petitioner has been detected during investigation nor there is any allegation of money trailing against him. The report discloses that the petitioner has no criminal antecedents.

Having considered the submissions made on behalf of both the parties and that nothing was recovered from the possession of the present petitioner and that investigation has already been culminated into a charge-sheet, I find that no fruitful purpose will be served by detaining the petitioner any further in the custody. Moreover, considering the available materials that, rigour of Section 37 of the NDPS Act may not attract in respect of the present petitioner, the prayer for bail is allowed.

Accordingly, the petitioner namely, **Monindra Sarkar** 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, Baharampur at Murshidabad 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 meet the Inspector-in-charge, 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) 734 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.)