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14.08.2025
Ct. 29
Jayanta
Allowed

C.R.M. (NDPS) 735 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Lalgola Police Station case no. 1161/2024 dated 01.12.2024 under Sections 21(c)/29, of the NDPS Act;-

And

In the matter of : **Mojibur Sk. @ Md Mojibur Rahaman**
@ Mojibor Sk.
.... Petitioner

Mr. Tapodip Gupta
Mr. Suman Bhanja

...for the Petitioner

Mr. Md. Adil Badr
Mr. Abhinabha Mukherjee

...for the State

It is submitted by the petitioner that the petitioner is innocent and has been falsely implicated. Nothing was recovered from his possession though his instruction is that the petitioner was taken in police custody for about five days. He was apprehended on the basis of co-accused statement. He further submits that he is in custody for about four months and investigation his already been ended in a charge sheet though charge has not yet been framed and the trial has not yet been started. Prosecution proposes to examination 17 witnesses and as such nobody knows when the trial would be concluded. Therefore, he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State opposes the bail prayer and contended that according to the statement it reveals that the petitioner had sold the contraband substance to the principal accused. However, in his usual fairness submits that nothing was recovered from the possession of the petitioner and his name transpired from the co-accused statement.

Having heard the learned counsel appearing on behalf of the petitioner and that the investigation has already been ended in a charge sheet and that due to no recovery of contraband from the possession of the petitioner the rigor of Section 37 of the NDPS may not be attracted in respect of the present petitioner in the instant case, the prayer for bail made by the petitioner is allowed.

Accordingly, the petitioner namely, **Mojibur Sk. @ Md. Mojibur Rahaman @ Mojibor Sk.**, 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, 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 report to the Inspector-in-charge, Lalgola 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) 735 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.)