

23.07.2025

akb
Sl. 28
Ct.29
Allowed

CRM (NDPS) No. 771 of 2025

In re: An application for bail under Section 483 of the BNSS Act, 2023 filed in connection with Berhampore Police Station Case No. 1917 of 2024 dated 26.11.2024 under Section 20(b)(ii)(c)/29 of the N.D.P.S. Act, 1985 corresponding to NDPS Case No. 120 of 2024 of the NDPS Act.

And

In re: Nur Islam

... petitioner.

Mr. Jisan Iqbal Hossain
Ms. Chandrima Debnath

...for the petitioner

Mr. Aniket Mitra
Mr. Debarshi Brahma

...for the State.

Learned Counsel appearing on behalf of the petitioner submits that 24 kgs. 680 gms. of Ganja was recovered from the four persons while they were travelling by a public bus. She further submits that the name of the present petitioner transpires from the co-accused statement and charge sheet have been submitted against the eight accused persons and the petitioner is in custody for about two years. She further submits that during investigation, no CDR detected nor there is any allegation of money trailing against the present petitioner though he was taken to police custody for ten days immediate after arrest.

Learned Counsel appearing on behalf of the State opposed the bail prayer contending that seized Ganja was supposed to be delivered to the present petitioner and one Jillar Sk but in his usual fairness, he submits that during investigation nothing was recovered from the possession of the present petitioner. He further submits that the record reveals, there is no criminal antecedents of the present petitioner and today is fixed before the Trial Court for charge hearing.

He further submits that the co-accused persons, namely Arif Mafuj and Sorip Mafuj @ Sarif Mafuj obtained Bail from this Court in C.R.M. (NDPS) 448 of 2025 and the present petitioner is almost on the same footing. However he submits that bail prayer of one co-accused Jillar Sk was rejected by this Court on 13th February, 2025 when the investigation was continuing.

Having hearing the learned Counsel appearing on behalf of the petitioner and the State and that nothing was recovered from the possession of the present petitioner and as such the rigour of Section 37 of the NDPS Act may not attract in respect of the present petitioner of the instant proceeding and that the investigation has already been culminated into a charge sheet and the prosecution proposes to examine nine witnesses and the trial has not yet been started and therefore there is hardly any chance of early conclusion of trial and considering all these, the prayer for bail made by the present petitioner is allowed.

Accordingly, petitioner namely, **Nur Islam** shall be enlarged on bail upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, one of whom must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Berhampore and on condition that he will not leave the geographical limit of district Murshidabad without taking permission from the Trial Court and also on condition that he will meet I.C. Berhampore Police Station once in a week till further order and also on condition that the accused 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 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 nothing said herein shall be construed as an expression of opinion on the merits of the case.

The application for bail being **CRM (NDPS) 771 of 2025** is, accordingly allowed and disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)