

10.07.2025
Item no.12
Ct. No. 29
BD.

C.R.M. (NDPS) 743 of 2025

In Re:- An application for bail under section 439 of the Code of Criminal Procedure 1973 and/or an application under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Shalimar GRPS Police Station Case No. 07 of 2023 dated 15/04/2023 corresponding to T.R. Case No. 09 of 2023 under section 20(b)(ii)(c) of the NDPS Act, 1985 .

In the matter of : **Md. Nasim** Petitioner.

Sk. Taslim Ali
Ms. Rituparna Bhadrafor the Petitioner.

Mr. Madhusudan Sur
Mr. Santanu Deb Roy ...for the State.

Prosecution case is that 54.905 Kgs. of Ganja and 62 gms. of Charas were allegedly recovered from the joint possession of the four accused persons. He further submits that the petitioner herein is in custody for about two years three months. He further submits that other co-accused of this case namely Sagar Singh @ Sk. Sahajada has been granted bail by this Court vide order dated 19th May, 2025 in CRM (NDPS) 432 of 2025 and he is almost on the same footing with that of the co-accused Sagar Singh @ Sk. Sahajada, and as such, he may be released on bail on any terms and conditions.

Mr. Sur, Learned counsel appearing on behalf of the State though opposed the bail prayer but candidly submits that the present petitioner is almost on the same footing with that of the co-accused Sagar Singh @

Sk. Sahajada. He further submits that prosecution proposes to examine thirteen witnesses out of which they could only examine one witness so far.

Having heard learned counsel appearing on behalf of both the parties it appears that there is hardly any possibility of early conclusion of trial since prosecution proposes to examine twelve more witnesses in this case and that the petitioner is almost on the same footing with that of the co-accused Sagar Singh @ Sk. Sahajada, the prayer for bail is allowed mainly on the touchstone of Article of 21 of the Constitution of India.

Accordingly, the petitioner namely, **Md. Nasim**, 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, Howrah, and also on condition that the petitioner shall not leave the geographical limit of District- Howrah, without the leave of the trial court, and shall report to the Officer-in-Charge, Shalimar GRPS Police Station, District –Howrah, 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) 743 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.)