

03.07.2025

akb
Sl. 18
Ct.29
Allowed

CRM (NDPS) No. 746 of 2025

In re: An application for bail under Section 483 of the BNSS Act, 2023 filed in connection with NDPS Case No. 82 of 2024 arising out of Murutia Police Station Case No. 270 of 2024 under Section 21(c)/ 29 of the N.D.P.S. Act, 1985.

And

In re: Jibrail Karikar @ Jibu @ Gibrail ... petitioner.

Mr. Tapodip Gupta ...for the petitioner

Mr. Saryati Datta
Mr. Rahul Ganguly ...for the State.

It is submitted on behalf of the petitioner that he has been falsely implicated and no recovery was made from his possession. Prosecution case is that 12300 bottles of cough syrup containing codeine phosphate was recovered from an under construction building premises. During investigation it is found that the house is owned by one Sashanka Biswas @ Babu and the name of the present petitioner transpired from the statement of said co-accused, Sashanka Biswas @ Babu, who is in custody. Petitioner further submits that the prosecution has cited 24 witnesses in the charge sheet, which was filed on 12.6.2025 but charge has not yet been framed and nobody knows when the trial would be concluded and as such he may be released on bail on any terms and conditions.

Mr. Saryati Datta, learned Counsel appearing on behalf of the State opposed the bail prayer but in his usual fairness he submits that the name of the present petitioner transpired from the co-accused statement and it is true that following his statement nothing was recovered from his possession during investigation and investigation

has already been culminated into charge sheet and he is in custody for about 51 days.

Having heard learned Counsel appearing on behalf of the petitioner and the State and in view of the facts and circumstances of the case I find that no fruitful purpose would be served by detaining the present petitioner in custody any further and rigour of Section 37 of the NDPS Act may not attract in respect of the present petitioner the prayer for bail made by the present petitioner is allowed.

Accordingly, petitioner namely, **Jibrail Karikar @ Jibu @ Gibrail** 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, Krishnagar, Nadia and on condition that he will not leave the geographical limit of district Nadia without taking permission from the Trial Court and also on condition that he will meet O.C./I.C. Murutia 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) 746 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.)