

31.07.2025

Item No.89

Ct.No.29

rc.

Allowed

C.R.M. (NDPS) 757 of 2025

In Re : An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with **Berhampore Police Station Case No. 1523 of 2024** dated 07.10.2024 under Sections 20(b) of the NDPS Act, 1985 and 25(1B) of the Arms Act.

And

In Re : **Samim Sk. @ Asiruddin**

... Petitioner

Mr. Jisan Iqubal Hossain

... for the Petitioner

Mr. Saryati Dutta

Ms. Kanchan Ray

...for the State

It is submitted on behalf of the petitioner that nothing was recovered from the possession of the petitioner. He further submits that prosecution case is that 2.3 KG of Ganja which is much below the commercial quantity was alleged recovered from one Abihijit Mondal who during investigation disclosed the name of the present petitioner and another accused Prosenjit Shil @ Raja Shil. However, the said co-accused Prosenjit Shil @ Raja Shil has obtained anticipatory bail from this Court in CRM (A) No. 1013 of 2025 and the present petitioner is almost on the same footing and as such he may be released on bail on any terms and conditions.

Mr. Saryati Dutta, learned advocate on behalf of the State opposes the bail prayer. However, in his usual fairness he submits that nothing was recovered from the possession

of the present petitioner during investigation and he is almost on the same footing with the co-accused, **Prosenjit Shil @ Raja Shil**.

Having considered the submission made on behalf of both the parties and that the name of the present petitioner transpired from the co-accused statement and that the present petitioner is almost with the same footing of the co-accused, **Prosenjit Shil @ Raja Shil** and also considering the fact that even the contraband which was recovered from the principal accused is below the commercial quantity, the prayer for bail is allowed.

Accordingly, the petitioner, namely, **Samim Sk. @ Asiruddin** 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, Berhampore, Murshidabad, and also on condition that the petitioner shall not leave the geographical limit of District- Murshidabad, without the leave of the learned trial court, and shall report to the Inspector-in-Charge/Officer-in-Charge, Berhampore Police Station, District – Murshidabad, 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, CRM (NDPS) 757 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.)