

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 758 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Lalgola** Police Station Case No.**142/2025** dated **19.02.2025** under Sections **21(c)/29** of the Narcotic Psychotropic Substance Act, 1985.

And

In the matter of: - **Sagar Sarkar.**
.....petitioner.

Mr. Arnab Chatterjee,
Mr. Jisan Iqbal Hossain.
...for the petitioner.

Mr. Soumik Ganguli,
Mr. Dipankar Mahata.
....for the State.

Report submitted by the State be kept with the records.

Prosecution case is that 80 bottles of phensedyl was recovered from the possession of Jahangir Kabir and Kabir Ali.

Learned counsel appearing on behalf of the petitioner submits that the name of the present petitioner transpired from the co-accused statement which has got no evidentiary value. He is in custody for about five months. He further submits that though he was taken to police custody but no contraband was recovered from his possession.

The charge-sheet has already been submitted in this case on 26th July, 2025. The charge has not yet been framed and the

delay in trial is not attributable to the present petitioner and considering all these he may be released on bail on any terms and conditions.

Learned advocate appearing for the State opposed the prayer for bail, contending that the statements recorded during investigation reveals that the petitioner used to invest money in illegal dealings of contraband substances by the co-accused. However, in his usual fairness he submits that during investigation no CDR or SDR has been obtained in respect of the present petitioner nor any bank account of the petitioner was seized in support of the alleged money trailing.

Having heard learned counsel appearing on behalf of the petitioner and the State and that nothing was recovered from the possession of the present petitioner, the rigour of Article 37 of the NDPS Act may not attract in respect of the present petitioner, and as such his prayer for bail is allowed.

Accordingly, the petitioner namely, **Sargar Sarkar**, shall be released on bail upon furnishing a bond of Rs.20,000/- with two registered sureties of Rs.10,000/- each, of which one must be local, subject to the satisfaction of the learned Chief Judicial Magistrate, Berhampore, and also on condition that the accused person shall not misuse the liberty granted by the 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 to the local police station and shall not change it

without prior permission of the State and he shall not in any manner try to delay the trial. The petitioner shall not leave the geographic limit of district of Howrah without taking leave from State and shall report to the Investigating Officer, Raghunathgamj Police Station once in a week or until further order. The State 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) 758 of 2025 is disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)