

13.08.2025

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Allowed

C.R.M. (NDPS) 759 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS case no. 121 of 2024 arising out of Sagarpara Police Station case no. 474 of 2024 dated 23.11.2024 under Sections 21(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Bojlul Sekh @ Bajlu Mandal**

.... Petitioner

Mr. Jisan Iqubal Hossain

...for the Petitioner

Mr. Subhamoy Bhattacharya

Mr. Kaustav Banerjee

...for the State

Prosecution case is that 740 bottles of cough syrup containing codeine phosphate was recovered from two accused persons who have been granted statutory bail by the court below.

Learned counsel for the petitioner submits that nothing was recovered from the possession of the present petitioner and his name transpired from the co-accused statement. He further submits that charge-sheet has been submitted on 26th May, 2025 and the present petitioner voluntarily surrendered before the court below on 10th June, 2025 and since then, he is in custody. He further submits that in view of the filing charge-sheet, his further detention may not be required and as such, he may be released on bail on any terms and conditions.

Learned counsel for the State opposed the bail prayer contending that anticipatory bail of the present petitioner was rejected by this court on 12th February, 2025 and thereafter,

the charge-sheet was submitted without chemical examination report dated 26th May, 2025 and for which, relying upon the judgment passed in the case of **Idul Mia Vs. State of West Bengal in CRM (NDPS) 1359 of 2024** reported in **2024 SCC Online Cal 9109**, two principal accused persons were granted statutory bail. He further submits that Investigating agency is to file supplementary charge-sheet. However, in his usual fairness, he submits that nothing was recovered from the present petitioner and his name transpired from the co-accused statement. He further submits that though the petitioner was involved in a case, being Sagarpara PS case no. 14 of 2024 but after investigation, he has not been charge-sheeted and as such, he has no criminal antecedents.

Having considered the submissions made on behalf of both the parties 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 in the instant case and that investigation has already been culminated into a charge-sheet and for which, further detention of the present petitioner is uncalled for. In such view of the matter, the petitioner may be enlarged on bail on any terms and conditions.

Accordingly, the petitioner namely, **Bojlul Sekh @ Bajlu Mandal** shall be released on bail upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs. 10000/- 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 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 petitioner shall not leave the geographical limit of district of Murshidabad without taking leave from the court below and shall report to the O.C./I.C., Sagarpara Police Station once in a week until further order. 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 anything said herein shall not be construed as an expression of opinion on the merit of the case.

Accordingly, CRM (NDPS) 759 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.)