

15.07.2025
Item no.24
Ct. No. 29
BD.

C.R.M. (NDPS) 762 of 2025

In Re:- An application for bail under 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to section 439 of the Code of Criminal Procedure 1973, in connection with N 42 of 2024 arising out of Basirhat Police Station Case No. 904 of 2024 dated 14/12/2024 under sections 21(c) of the NDPS Act, 1985 in Charge sheet being Charge sheet no. 203/2025 dated 12.04.2025 under sections 21 (C) /29 of the NDPS Act.

In the matter of : **Kishori Das alias Kishari Das & Anr.**
.... Petitioners.

Mr. Angshuman Chakraborty
Mr. Shankha Sekhar Saha ...for the Petitioners.

Mrs. Faria Hossain
Mr. Sujay Sarkar ...for the State.

It is submitted on behalf of the petitioners that 100 bottles of cough syrup containing codeine phosphate was allegedly recovered from the possession of one Sridam Sardar. The name of the present petitioners transpired from the co-accused statement though nothing was recovered from the possession of the present petitioners. He further submits that another co-accused namely Arun Das, whose name also transpired from the co-accused statement, has already been granted anticipatory bail by this High Court and the present petitioners are almost on the same footing. They are in custody for about forty six days and the petitioners have no criminal antecedence nor any CDR was detected during investigation and investigation has already been

culminated into charge-sheet and as such they may be released on bail on any terms and conditions.

Learned counsel for the State opposed the bail prayer contending that two independent witnesses namely Shambhu Das and Shyamal Das have disclosed before the investigating authority during investigation that these two persons along with aforesaid Arun Das are engaged in illegal drug peddling for a considerable period of time.

Having heard learned counsel appearing on behalf of both the parties and that though their names transpired during investigation but nothing was recovered from the possession of the present petitioners and that petitioners have no criminal antecedence, nor there is any allegation of money trailing or detection of CDR in respect of the present petitioners, I find that rigour of section 37 of the NDPS Act, may not attract in respect of the present petitioners in this case.

Accordingly, the petitioners namely, **Kishori Das alias Kishari Das**, and **Sujit Das**, shall find bail of Rs. 20,000/- each with two registered sureties of Rs. 10,000/- each, one of which must be local, subject to the satisfaction of learned Chief Judicial Magistrate, North 24 Parganas, and also on condition that the petitioner shall not leave the geographical limit of District- North 24 Parganas, without the leave of the trial court, and shall report to the Officer-in-Charge, Basirhat Police Station,

District –North 24 Parganas, once in a week until further order.

It is further ordered that the accused persons shall not mis-use the liberty granted by this Court and they shall not tamper with any evidence orally or documentary during the trial. They shall not absent themselves on any day during trial and shall not commit any offence while on bail. They shall give their cell phone numbers to the local police station and shall not change it without prior permission of the trial court and they shall not in any manner try to delay the trial. The petitioners 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) 762 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.)