

20.08.2025
Court No.29
Item No.55
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (NDPS) 763 of 2025

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In Re:- An application for bail under Section 439 of the Code of Criminal Procedure 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 18.6.2025 in connection with Kaliachak Police Station Case No. 828 of 2025 dated 18.05.2025 under Sections 21(C)/27A/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985;

And

In the matter of :**Mostafa Sk @ Chuharu.**

...Petitioner.

Mr. Arup Kumar Bhowmick.

...For the Petitioner.

**Mr. Madhusudan Sur,
Ms. Suveni Banerjee.**

...For the State.

1. The report submitted by the State is kept with the record.
2. Petitioner's Counsel submits that the petitioner is in custody for about 85 days and though the petitioner was taken in police custody for 5 days but nothing was recovered from his possession. He also does not have any criminal antecedent.
3. The prosecution case is that 258 grams of brown sugar was recovered from the 5 accused persons and the present petitioner and the other accused persons fled away from the spot.
4. Mr. Sur, learned Counsel appearing on behalf of the State, submits that the investigation is still in progress and the other accused persons are still absconding. However, in his usual fairness, he submits that during investigation nothing was recovered from the possession of the present petitioner and his name transpired from the co-accused statement. No criminal antecedent was also found during investigation.
5. Having heard the learned Counsel appearing on behalf of the petitioner and the State and that nothing was recovered from the possession of the petitioner and, as such, the rigor of Section 37 of the NDPS Act may not attract in respect of the present petitioner

and that the investigation in respect of the present petitioner must have advanced to a considerable extent during his detention in custody, I find that further detention of the present petitioner may not require in the interest of investigation.

6. Accordingly, the prayer for bail is allowed.
7. Accordingly, the petitioner, namely, **Mostafa Sk @ Chuharu**, be released on bail upon furnishing a bond of Rs. 20,000/- (Rupees twenty thousand), with two registered sureties of Rs. 10,000/- (Rupees ten thousand) each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda, subject to the condition that the petitioner shall meet the Inspector in-Charge/Officer in-Charge, Kaliachak Police Station once in a week until further order and also on condition not to leave the geographical limit of Malda district without taking leave of the Court until further order.
8. 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.
9. 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.
10. Accordingly, CRM (NDPS) 763 of 2025 is disposed of.
11. 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.)

