

104
31.07.2025
Ct. No.29
b.das
Allowed

CRM (NDPS) 780 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with **Baishnabnagar Police Station Case No.145 of 2024** dated 21.02.2024 under Sections 411/413/414 of the Indian Penal Code and Section 21(C)/29 of the NDPS Act, 1985.

And
In the matter of : **Md. Mohobul Hoque**

.... Petitioner.

Mr. Arup Kumar Bhowmick ...for the Petitioner.

Mr. Ranabir Roychowdhury
Ms. Dhanashree Biswas ...for the State.

It is submitted on behalf of the petitioner that the petitioner is in custody for more than 8 months and that nothing was recovered from the possession of the petitioner. His name transpired from the co-accused statement.

He further submits that the prosecution case is that 47 bottles of cough syrup containing codeine phosphate and 37 mobile sets were recovered from the possession of one **Delwar Sk. @ Delwar Seikh** who has been granted bail by the Hon'ble Apex Court in Special Leave to Appeal (Criminal) No.5766 of 2025 on 16th July, 2025. He further submits that investigation has already been culminated into a charge-sheet though trial has not yet started as some of the accused persons are still absconding.

Accordingly, he submits that it is not ascertainable as to when the trial could be started and as such he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State opposed to the bail prayer. 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.

Having considered the submission made on behalf of the petitioner and the State and that, the rigour of Section 37 of NDPS Act may not attract in respect of the present petitioner due to non-recovery of any contraband substance from the possession of the petitioner, the prayer for bail made by the petitioner is allowed.

Accordingly, the petitioner, namely, **Md. Mohobul Hoque** 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, Malda, and also on condition that the petitioner shall not leave the geographical limit of District- Malda, without the leave of the learned trial court, and shall report to the Inspector-in-Charge/Officer-in-Charge, Baishnabnagar Police Station, District – Malda, 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) 780 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.)