

14.08.2025
10/Ct.29
AJ.
Interim
Bail

C.R.M. (NDPS) 859 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. 16 of 2025 arising out of Tapan Police Station case no. 150 of 2025 dated 08.03.2025 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act, 1985.

And

In the matter of : **Pintu Paul.**

.... Petitioner

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Biswajit Manna.

...for the Petitioner

Mr. Rana Mukherjee, A.P.P.,
Mr. Anindya Sundar Chatterjee.

...for the State

Mr. Milon Mukherjee, learned senior counsel, appearing on behalf of the petitioner submits that the order of the Trial Court dated 16th June 2025 reflects that the petitioner was shown arrested on May 22, 2025 in connection with the present case but on 2nd June, 2025 he was forwarded and recommended by the superior authority with a prayer for police custody. Mr. Mukherjee questioned the order of shown arrest referring to a judgment of this Court in Md. Hanif Mondal & Anr. -Vs- The State reported in 2018 SCC Online Cal 14646. He further submits that 15,000 bottles of cough syrup containing codeine phosphate was allegedly recovered from one Ranjit Mondal but nothing was recovered from the possession of the present petitioner and his name transpired from the co-accused statement. He further submits that though prosecution may oppose the bail prayer on the ground of alleged call details record and on the ground of previous

antecedent of the present petitioner but it appears that in connection with Gangarampur Police Station Case No. 86 of 2018 the petitioner has already been acquitted on 17th January 2023 and in connection with Gangarampur Police Station Case No. 125 of 2021 he has been acquitted vide judgment dated 9th June, 2023. He further submits that though the police has also implicated him falsely to keep him behind the bar, being Gangarampur Police Station Case No. 143 of 2020 and 103 of 2025 but that cannot stand as a ground for refusal of the bail prayer and in this context he refers the judgment of ***Maulana Mohammed Amir Rashadi – Vs- The State of Uttar Pradesh & Anr. reported in (2012) 2 SCC 382*** and contended that it has been specifically held that it is the duty of the Court to find out the role of the accused of the case for which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the court, etc. cannot stand a ground for refusal of the bail prayer. He further submits that without transcription of CDR allegedly collected during investigation against present petitioner it does not raise grave suspicion to attract rigours of section 37 of NDPS Act. He further submits that he is completely innocent and he has no involvement with the alleged offence. It is also reflected from certified copy of a prayer made before the court below on 5th May, 2025 that petitioner was arrested by police, when he had gone to court to attend another court proceeding and from that case he has been made shown arrested in the present case in order to entangle him in series of cases.

Learned Counsel appearing on behalf of the State opposes the bail prayer and relying upon page nos. 61 to 64 of case diary argued that several phone calls were made by the present petitioner with the other accused persons. The CDR collected from those callers disclosed the involvement of the present petitioner and furthermore the petitioner have four criminal antecedents out of which he has been acquitted from two NDPS Act cases and two are still pending against him. Accordingly, if he is released on bail there is chance of committing similar type of offence by the petitioner.

Having heard learned Counsel appearing on behalf of the petitioner and the State and also on perusal of the materials of the case diary it appears that the name of the petitioner transpired from the co-accused statement and 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. Therefore, he may be released on interim bail considering the facts and circumstances of the case.

Accordingly, the petitioner namely, **Pintu Paul** shall be released on **interim 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, Balurghat, Dakshin Dinajpur 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 Dakshin Dinajpur without taking leave from the court below and shall meet the Officer-in-Charge, Tapan Police Station once in a week until further order.

Let the matter appear four weeks hence.

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.)