

16.09.2025
Item no.230
Ct. No. 29
(ALLOWED)

C.R.M. (NDPS) 830 of 2025

In Re:- An application for bail under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 129 of 2024 arising out of Islampur Police Station Case No. 675 of 2024 dated 07/12/2024 under sections 21(C)/29 of the NDPS Act, 1985.

BD. In the matter of : **Sohidul Islam** Petitioner.

Mr.Arnab Chatterjee
Mr. Avik Ghosh
Mr. Chandan Mondal ... for the petitioner.

Mr. Kunal Ganguly ... for the State.

It is submitted on behalf of the petitioner that one Tutul Sk @ Tutul Mondal has valid license to deal with cough syrup containing codeine phosphate. However, on the date of alleged seizure one absconding accused person namely Said Sk. who had no valid license purchased 160 bottles of cough syrup from the shop of Tutul Sk @ Tutul Mondal illegally and has used the petitioner's Toto vehicle as carrier to shift those narcotic substance from the shop of Tutul Sk @ Tutul Mondal to the shop of Said Sk. Petitioner is in no way connected and is any way involved with the alleged offence and he did not know whether Said Sk. have valid licence to purchase those narcotic substance or not. He has no criminal antecedence as per report and the investigating authority has taken him in police custody but nothing was recovered from his possession following his statement.

Learned counsel appearing on behalf of the State opposed the bail prayer contending that the petitioner was the carrier of the narcotic substance. He further submits that Said Sk. does not have valid licence and he produced fake purchase memo before the police authority.

Having heard the submissions made on behalf of the learned counsel for the petitioner and the State and that the petitioner is in custody since 07.12.2024 and that investigation has already been culminated into charge-sheet and prima facie it appears that petitioner may not have conscious possession of the narcotic substance and that the rigour of section 37 of the NDPS Act, may not attract in respect of the present petitioner, the prayer for bail made by the petitioner is allowed.

Accordingly, the petitioner namely **Sohidul Islam**, 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, Berhampore, Murshidabad, and also on condition that the petitioner shall not leave the geographical limit of District-Murshidabad, without the leave of the trial court, and shall report to the Inspector-in-charge/Officer-in-Charge, Islampur Police Station, District- Murshidabad, 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, C.R.M. (NDPS) 830 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.)

