

27.08.2025

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Allowed

C.R.M. (NDPS) 853 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Kaliachak Police Station case no. 1383 of 2023 dated 20.10.2023 under Sections 21(C)/27A/29 of the NDPS Act, 1985.

And

In the matter of : **Mithun Sk. @ Obaidulla Sk.**

.... Petitioner

Mr. Arup Kumar Bhowmick

...for the Petitioner

Mr. Madhusudan Sur, Ld. APP

Mr. Sarthak Mondal

...for the State

Learned counsel for the petitioner submits that he is in custody for about 92 days and one of the co-accused namely, Hazikul Sk. @ Md. Sohorab has already obtained anticipatory bail from this court vide order dated 6.8.2024 in CRM (A) 2653 of 2024 and he is almost on the same footing with that of the co-accused and he has no criminal antecedent and as such, he may be released on bail on any terms and conditions.

Learned counsel for the State opposes the bail prayer but in his usual fairness, he submits that the name of the present petitioner transpired from the co-accused statement and it is true that nothing was recovered from his possession during investigation. he further submits that the charge-sheet has already been submitted on 15th May, 2024 and the charge has also been framed on 25.5.2025 and today is fixed for recording evidence of the prosecution witnesses.

Having considered the submissions made on behalf of both the parties and that due to no recovery of narcotic substance from the possession of the present petitioner, the rigour of Section 37 of the NDPS Act may not attract in respect of the present petitioner in the instant case and that the trial has already commenced, I find that further detention of the present petitioner will not yield any fruitful result and as such, the prayer for bail made by the present petitioner is allowed.

Accordingly, the petitioner namely, **Mithun Sk. @ Obaidulla Sk.** shall be released on 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, Malda and also on condition that the accused person shall not misuse 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 Malda without taking leave from the court below and shall report to the O.C./I.C., Kaliachak Police Station once in a week until further order. The court below will be at liberty to cancel the bail in the

event of violation of any of the conditions without making any reference to this court.

Be it mentioned, that anything said herein shall not be construed as an expression of opinion on the merit of the case.

Accordingly, CRM (NDPS) 853 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.)