

23.07.2025
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Allowed

C.R.M. (NDPS) 867 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. 40 of 2024 arising out of Balurghat Police Station case no. 658 of 2024 dated 16.8.2024 under Sections 21(C)/22(C)/23(C)/27A/28/29 of the NDPS Act, 1985.

And

In the matter of : **Dilwar Ali @ Delur Hossen**
.... **Petitioner**

Mr. Biswajit Manna ...for the Petitioner

Ms. Faria Hossain, Ld. APP
Mr. Mujibar Ali Naskar ...for the State

Report submitted by the SI, Balurghat Police Station dated 13.7.2025, is taken on record.

Petitioner submits the nothing was recovered from the possession of the present petitioner and he was arrested on the basis of the co-accused statement. He further submits that he is in custody for about 98 days and as such, he may be released on bail on any terms and conditions.

Learned counsel for the State opposed the bail prayer but in her usual fairness, she submits that petitioner was arrested on the basis of the co-accused statement and nothing was recovered from the possession of the present petitioner during investigation. She further submits that the petitioner has one criminal antecedent in connection with Balurghat Police Station case no. 658 of 2024.

Having considered the submissions made on behalf of both the parties and that investigation has already been

culminated into a charge-sheet and that the rigour of Section 37 of the NDPS Act may not attract in respect of the present petitioner in the instant case and as such, the prayer for bail made by the petitioner is allowed.

Accordingly, the petitioner namely, **Dilwar Ali @ Delur Hossen** 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, Balurghat 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 report to the Officer-in-charge, Balurghat Police Station once in a fortnight 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) 867 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.)