

06.08.2025
Item No.43
AB
Allowed

C.R.M. (NDPS) 874 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Murutia Police Station case no.270 of 2024 dated 10.09.2024 under Sections 21(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Nazim Sk. @ Najim Sk.**

.... Petitioner

Mr. Asraf Mondal

...for the Petitioner

Mr. Sandip Chakraborty

Ms. Eshita Dutta

...for the State

The prosecution case is that 12300 bottles of cough syrup containing codeine phosphate was recovered from a building which was under construction and allegedly owned by one Sashanka Biswas @ Babu, who is in custody. It is submitted that thereafter the name of one Jibrail Karikar @ Jibu @ Gibrail transpired during investigation and he was arrested by police. Said Jibrail Karikar @ Jibu @ Gibrail took the name of present petitioner and, therefore, he was arrested and he is in custody for about 81 days though nothing was recovered from his possession.

He further submits that Jibrail Karikar @ Jibu @ Gibrail has already been granted bail by this Court on 3.7.2025 and he is almost on the same footing. He further submits that next date is fixed on 11.08.2025 for framing of charge and as such, it is not predictable as to when the trial would be concluded. Therefore, he may be granted bail on any terms and conditions.

Learned Counsel appearing on behalf of the State opposes the bail prayer, but in her usual fairness she submits that the name of the present petitioner transpired from the co-accused statement and nothing was recovered from his possession and she also submits that the present petitioner is almost on the same footing with that of the co-accused Jibrail Karikar @ Jibu @ Gibrail. She further submits that no criminal antecedent of the present petitioner has been detected during investigation.

Having heard learned Counsel appearing on behalf of the petitioner and the State and since no recovery of contraband was made from the present petitioner and in view of *Toofan Singh* case, AIR 2020 SC 5592, the co-accused statement has got no admissibility, I find that the rigor of Section 37 of the NDPS Act may not attract in respect of the present petitioner. Therefore, the prayer for bail is allowed.

Accordingly, the petitioner namely, **Nazim Sk. @ Najim 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, Krishnagar at Nadia, and also on condition that the petitioner shall not leave the geographical limit of District – Nadia, without the leave of the Trial Court and shall report to the Officer in Charge, Murutia Police Station, 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 him 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 jurisdiction of trial court without taking leave from the court below. 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 by this Court.

Accordingly, CRM (NDPS) 874 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.)