

05.08.2025
Item no.34
Ct. No. 29
BD.

C.R.M. (NDPS) 889 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure 1973; correspondence under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with N Case No. 12 of 2023 arising out of Excise SI Seizure list no. 14 of 2023-2024 dated 24/07/2023 under sections 8(c)/20(b)/29 of the NDPS Act, 1985.

In the matter of : **Apu Paul** Petitioner.

Mr. Sourav Mondal
Mr. Subhajit Chowdhury
Mr. Rony Mondal ... for the petitioner.

Mr. Sandip Chakraborty
Mrs. Suparna Chatterjee ... for the State.

Prosecution case is that a bus was intercepted which was coming from Siliguri and from a trolley bag which was allegedly carrying by other co-accused Bappi Bairagi @ Bapi Bairagi and which was kept within the bus, 28.15 kgs of ganja was recovered. However, said Bappi Bairagi @ Bapi Bairagi, has been granted bail by this Court vide order dated 03.06.2025 in CRM (NDPS) 641 of 2025. It is submitted that the present petitioner is on a better footing, since his name transpired on the basis of co-accused statement and nothing was recovered from his possession. He is in custody since 24th July, 2023 and as such he may also be granted bail on any terms and conditions on the touchstone of Article 21 of the Constitution of India.

Learned counsel appearing on behalf of the State opposed the bail prayer. However, in his usual fairness he submits that the present petitioner is almost on the same footing with that of co-accused Bappi Bairagi @ Bapi Bairagi and that though the charge has been framed but the prosecution evidence has not yet been started.

Having considered the submissions made on behalf of the petitioner and the State, and that the present petitioner is in custody for about two years and that he is almost on the same footing with that of other co-accused Bappi Bairagi @ Bapi Bairagi, and that according to prosecution case nothing was recovered from the possession of the present petitioner, the prayer for bail made by the petitioner is allowed.

Accordingly, the petitioner namely, **Apu Paul**, 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 Additional Chief Judicial Magistrate, Barrackpore, and also on condition that the petitioners shall not leave the geographical limit of District- North 24 Parganas, without the leave of the trial court, and shall report to the Inspector-in-Charge/Officer-in-Charge, Madhyamgram Police Station, District- North 24 Parganas, 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) 889 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.)

