

13.08.2025
Item no.25
Ct. No. 29

C.R.M. (NDPS) 890 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 or under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 21 of 2025 arising out of Narendrapur Police Station Case No. 413 dated 02/04/2025 under sections 20(b)(ii)(c)/29 of the NDPS Act, 1985.

BD. In the matter of : **Khokan Halder @ Guley** Petitioner.

Mr.Souvik Mitter
Mr. Joy Chakraborty
Mr. Sandip Dinda ... for the petitioner.

Mr. Saryati Dutta
Ms. Trisha Rakshit ... for the State.

(ALLOWED)

Report submitted by Investigating Officer dated 13th August, 2025 is taken on record.

Petitioner submits that he is in custody for about four months seven days.

According to prosecution case a vehicle was intercepted wherefrom 42 Kgs. of ganja was recovered and two persons were arrested from the vehicle. Petitioner was arrested on the basis of co-accused statement four days thereafter, though nothing was recovered from his possession during investigation. Investigation has already been ended in charge-sheet on 17.06.2025 but the charge has not yet been framed. Accordingly, he prays for bail on any terms and conditions.

Learned counsel appearing on behalf of the State opposed the bail prayer and contended that according to prosecution case the consignments were made in the

name of the present petitioner. However, in his usual fairness he submits that the report obtained from police today, i.e., 13th August, 2025 discloses that the petitioner has no criminal antecedence and no call details record revealed disclosing communication between the petitioner and the other accused person during investigation and there is also no allegation of money trailing against the present petitioner and as such he leaves the prayer for bail to the discretion of the court.

Having heard the submissions made on behalf of the petitioner and the State and that the name of the petitioner transpired from the co-accused statement and no recovery was made from the present petitioner, I am of the view that rigour of section 37 of the NDPS Act, may not attract in respect of the present petitioner and that investigation has already been ended and as such, the prayer for bail made by the petitioner is allowed.

Accordingly, the petitioner namely **Khokan Halder @ Guley**, 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, South 24 Parganas, and also on condition that the petitioner shall not leave the geographical limit of District- South 24 Parganas, without the leave of the trial court, and shall report to the Inspector-in-charge/Officer-in-Charge, Sonarpur Police

Station, District- South 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) 890 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.)

