

23.07.2025
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Allowed

C.R.M. (NDPS) 905 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. 10 of 2025 arising out of Berhampore Police Station case no. 39 of 2025 dated 06.01.2025 under Sections 21(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Minarul Sk.**

.... Petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

...for the Petitioner

Mr. Avishek Sinha
Ms. Ayana Dey

...for the State

Petitioner submits the 300 bottles of phensedyl cough syrup containing codeine phosphate was recovered from the three accused persons. He further submits that the name of the present petitioner and one Kajirul Sk. transpired from the co-accused statement. However, the present petitioner was taken into police custody for about 14 days but nothing was recovered from his possession. He further submits that the investigation has already been culminated into a charge-sheet on 3.7.2025 and the prosecution proposes to examine 16 witnesses and nobody knows when the trial would be concluded. Since during investigation, no CDR detected nor there is any allegation of money trailing against the present petitioner, he may be released on bail on any terms and conditions.

Learned counsel for the State opposed the bail prayer but in his usual fairness, he 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. He further submits that the charge hearing is fixed on 11th August, 2025.

Having considered the submissions made on behalf of both the parties and that investigation has already been culminated into a charge-sheet and that nothing was recovered from the possession of the present petitioner 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, **Minarul 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, Berhampore 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 Murshidabad without taking leave from the court below and shall report to the Inspector-in-charge, Berhampore 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) 905 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.)