

07.08.2025

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SR

Allowed

CRM (NDPS) 910 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Berhampore P.S. Case No.39 of 2025 dated 06.01.2025 under Sections 21(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Sajir Khan**

.... Petitioner

Mr. Manas Kumar Das

Mr. Aritra Kumar Thokdar

...for the Petitioner

Mr. Partha Pratim Das

Mr. Jonaki Saha

...for the State

Petitioner submits that his name transpired from the co-accused statement and he is in custody for about seven months. He has no criminal antecedent and according to prosecution case 300 bottles of phensedyl syrup containing codeine phosphate was recovered from the possession of the three accused persons, who have disclosed the name of the present petitioner. However the prosecution after arrest had taken him in police custody but no recovery of contraband was made from his possession.

Learned counsel appearing on behalf of the State opposed the bail prayer. However, in his usual fairness, he submits that the name of the petitioner transpired from the co-accused statement and the petitioner does not have any criminal antecedent nor any allegation of money trailing has been levelled against him, even no CDR also detected in respect of the present petitioner. He further submits that

the another co-accused, namely, Minarul Sk. whose name also transpired from the co-accused statement has already obtained bail from this Court vide order dated 23rd July, 2025 in CRM (NDPS) 905 of 2025 and he is almost on the same footing.

Having considered the submissions made on behalf of the petitioner and the State and that nothing was recovered from the possession of the present petitioner and, as such, rigour of Section 37 of the NDPS Act may not attract in respect of the present petitioner and that, he is almost on the same footing with that of co-accused in CRM (NDPS) 905 of 2025, the prayer for bail made by the petitioner is allowed.

In such view of the matter, the petitioner, namely, **Sajir Khan**, 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, Murshidabad and also on condition that the petitioner shall not leave the geographical limit of District-Murshidabad, without the leave of the learned trial court, and shall report to the Inspector-in-Charge/Officer-in-Charge, Berhampore Police Station, District –Murshidabad, 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, CRM (NDPS) 910 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.)