

13.08.2025
akb
Sl. 14 & 15
Ct.29
Allowed

CRM (NDPS) No. 914 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / under Section 483 of the BNSS Act, 2023 filed in connection with Special Case No. 14 of 2024 arising out of Baishnabnagar Police Station Case No. 145 of 2024 dated 21.02.2025 under Section 21(c)/29 of the N.D.P.S. Act, 1985 read with Section 411/413/414 of the Indian Penal Code, 1860.

And

In re: Rubel Sk @ Rubel Sekh

... petitioner.

With

CRM (NDPS) No. 713 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / under Section 483 of the BNSS Act, 2023 filed in connection with Baishnabnagar Police Station Case No. 145 of 2024 dated 21.02.2025 under Section 411/413/414 of the Indian Penal Code, 1860 and 21(C)/29 of the N.D.P.S. Act, 1985.

And

In re: Tahir Sk & Anr.

... petitioners.

Md. Wasim Akram
Ms. Sabrina Parveen

...for the petitioners
In both the applications

Mr. Bibaswan Bhattacharya
Mr. Debanshu Ghorai

...for the State in CRM
(NDPS) 914 of 2025

Mr. Anand Keshari
Mr. Sandip Kundu

...for the State in CRM
(NDPS) 713 of 2025

Report submitted by the State is taken on record.

It is submitted on behalf of the petitioners that the petitioners are in custody for about nine months and nothing was recovered from the possession of the petitioners and their names transpired from the co-accused statement.

Prosecution case is that 47 bottles of cough syrup containing codeine phosphate and 37 mobile sets were recovered from one Dekwar Sk. @ Delwar Seikh and that principal accused has already

obtained bail from the Hon'ble Apex Court vide Special Leave to Appeal (Criminal No. 5766 of 2025) on 16th July, 2025. It is further submitted on behalf of the petitioners that other co-accused persons, who were arrested on the basis of the co-accused statement have already obtained bail in CRM (NDPS) 780 of 2025 and CRM (NDPS) 778 of 2025. He further submits that the present petitioners are on the same footing with that of the co-accused persons, who have already obtained bail and as such, present petitioners may be released on bail on any terms and conditions.

Learned Counsel appearing on behalf of the State opposed the bail prayer and contended that the investigation is still continuing in respect of the present petitioners and the petitioner and that the petitioner Rubel Sk @ Rubel Sekh has criminal antecedent though he has been acquitted from the said case. He further submits that it is true that nothing was recovered from the possession of the present petitioners though they were taken in police custody. He further submits that bail prayer of Rubel Sk @ Rubel Sekh was rejected on 24th June, 2025.

Having heard learned Counsel appearing on behalf of the petitioners and the State and that nothing was recovered from their possession though they are in custody for about nine months and that the present petitioners are almost on the same footing with that of the co-accused, who have already been released on bail, I find that rigour of Section 37 of the NDPS Act may not attract in respect of the present petitioners, as such, prayer for bail made by the petitioners is allowed.

Accordingly, petitioners namely, **Rubel Sk @ Rubel Sekh, Tahir**

Sk and Biyol @ Biol Sk shall be enlarged on bail upon furnishing a bond of Rs. 20,000/- each with two registered sureties of Rs. 10,000/- each, one of whom must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Malda and on condition that they will not leave the geographical limit of district Malda without taking permission from the Trial Court and also on condition that they will meet O.C./I.C. Baishnabnagar Police Station once in a week till further order and also on condition that the accused persons shall not mis-use the liberty granted by this Court and they shall not tamper with any evidence orally or documentary during the trial. They shall not absent themselves on any day during trial and shall not commit any offence while on bail. They shall give their mobile phone numbers to the local police station and shall not change it without prior permission of the Trial Court and they shall not in any manner try to delay the trial. 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 nothing said herein shall be construed as an expression of opinion on the merits of the case.

The application for bail being **CRM (NDPS) 914 of 2025 and CRM (NDPS) 713 of 2025** both are, accordingly allowed and disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)