

20.08.2025

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Allowed

C.R.M. (NDPS) 916 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. 121 of 2024 arising out of Sagarpara Police Station case no. 474 of 2024 dated 23.11.2024 under Sections 21(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Mijanur Rahaman@ Mijarul Rahaman & Anr.**
.... Petitioners

Mr. Jisan Iqubal Hossain ...for the Petitioners

Mr. Saryati Dutta
Mr. Raju Mondal ...for the State

Learned counsel for the petitioners submits that nothing was recovered from the possession of the present petitioners and their name transpired from the co-accused statement.

Prosecution case is that 741 bottles of cough syrup containing codeine phosphate was recovered from the joint possession of two accused persons namely, Yasin Mondal and Sanarul Mondal and according to the co-accused statement, the present petitioners fled away from the spot. However, the present petitioners surrendered before the court below on 7th July, 2025 and since then, they are in custody.

Learned counsel for the State opposes the bail prayer contending that the investigation is still continuing.

Having considered the submissions made on behalf of both the parties and that the petitioners voluntarily surrendered before the court below and for which chance of their abscontion is less and that nothing was recovered from their possession and as such, the rigour of Section 37 of the

NDPS Act may not attract in respect of the present petitioners in the instant case and that the investigation in respect of the present petitioners must have advanced to a considerable extent during their period of detention, I find that further detention of the present petitioners is not required in the interest of investigation. Accordingly, the prayer for bail made by the present petitioners are allowed.

Accordingly, the petitioner namely, **Mijanur Rahaman @ Mijarul Rahaman** and **Bablu Mondal** shall be released on bail upon furnishing a bond of Rs. 20,000/- each 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, Murshidabad 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 petitioners shall not leave the geographical limit of district of Murshidabad without taking leave from the court below and shall report to the O.C./I.C., Sagarpara 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) 916 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.)