

14.08.2025
Ct.29/23
A.J.
Allowed

C.R.M. (NDPS) 922 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with SL no. 52 of 2025 arising out of Murutia Police Station case no. 44 of 2025 dated 18.02.2025 under Sections 21(c)/25/29 of the NDPS Act, 1985.

And

In the matter of : **Abdul Goni Sk. @ Shaikh & Anr.**
.... Petitioners

Mr. Asraf Mondal ...for the Petitioners

Mr. Rudradipta Nandy, Ld. APP
Mr. Rajib Jana ...for the State

It is submitted on behalf of the petitioner that 100 bottles of cough syrup containing codeine phosphate was allegedly recovered from one Juel Molla and the name of the petitioners transpired from the co-accused statement. However, nothing was recovered from the possession of the present petitioners though they were taken in police custody. He further submits that the investigation of this case has already been ended in a charge-sheet which was submitted on 9th August, 2025 and he further submits that the other co-accused persons namely, Janarul Islam and Amchand Sk. who are almost on the same footing with the present petitioners, have already obtained bail from this court vide order dated 13.8.2025 in CRM (NDPS) no. 927 of 2025. Accordingly, they may be released on bail on any terms and conditions.

Learned counsel for the State opposes the bail prayer but in his usual fairness, he submits that the name of the present

petitioners transpired from the co-accused statement and it is also true that nothing was recovered from their possession during investigation. He further submits that the present petitioners are almost on the same footing with that of the co-accused who are released on bail in CRM (NDPS) 927 of 2025.

Having considered the submissions made on behalf of both the parties and that nothing was recovered from the possession of the present petitioners, 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 has been culminated into a charge-sheet and therefore, further detention of the present petitioners will not yield any fruitful result, the prayer for bail made by the petitioners is allowed.

Accordingly, the petitioner namely, **Abdul Goni Sk. @ Shaikh and Saiful Biswas** 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, Krishnanagar, Nadia 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 Nadia without taking leave from the court below and shall report to the O.C./I.C., Thanarpara 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) 922 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.)