

20.08.2025

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Allowed

C.R.M. (NDPS) 948 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with PTN case no. 113 of 2025 arising out of Kaliachak Police Station case no. 167 of 2025 dated 05.02.2025 under Sections 21(c)/27A/29 of the NDPS Act, 1985.

And

In the matter of : **Raju Momin**

.... Petitioner

Md. Wasim Akram

Ms. Sabrina Parveen

...for the Petitioner

Mr. Partha Pratim Das

Mr. Debanik Das

...for the State

Prosecution case is that 144 bottles of cough syrup containing codine phosphate was recovered from the possession of one accused person namely, Wasim Akram. The name of the present petitioner transpired from the co-accused statement.

It is submitted on behalf of the petitioner that nothing was recovered from the possession of the present petitioner and he is in custody for about 90 days. He further submits that his further detention may not be required in the interest of the investigation and as such, he 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 during investigation, no CDR in connection with the present petitioner could be detected nor there is any allegation of money trailing against

the present petitioner. The investigation also reveals that the petitioner does not have any criminal antecedents.

Having considered the submissions made on behalf of both the parties and that nothing was recovered from the possession of the present petitioner and as such, the rigour of Section 37 of the NDPS Act may not attract in respect of the present petitioner in the instant case I find that no fruitful purpose will be served by detaining the petitioner any further in the custody. Accordingly, the prayer for bail made by the present petitioner is allowed.

Accordingly, the petitioner namely, **Raju Momin** 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, Malda 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 Malda without taking leave from the court below and shall report to the O.C./I.C., Kaliachak 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) 948 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.)