

25.09.2025

akb
Sl. 171
Ct.29
Allowed

CRM (NDPS) No. 954 of 2025

In re: An application for bail under Section 483 of the BNSS Act, 2023 filed in connection with N Case No. 46 of 2025 arising out of Hasnabad Police Station Case No. 115 of 2025 dated 04.03.2025 under Section 21(c) of the NDPS Act.

And

In re: Saruk Gazi

... petitioner.

Mr. Soumik Ganguly
Ms. Priti Burman
Mr. Rakesh Mondal

...for the petitioner

Mr. Madhusudan Sur
Ms. Madhumita Basak

...for the State

Prosecution case is that 390 bottles of sough syrup containing codeine phosphate was recovered from the bank of a tank and the prosecution further case is that seeing the police personnel, the present petitioner fled away.

Learned Counsel appearing on behalf of the petitioner submits that nothing was recovered from his possession of the present petitioner and he is in custody for about 135 days and prosecution proposes to examine 14 witnesses out of which they could examine so far only three witnesses and it would take long time to conclude the trial and as such he may be released on bail on any terms and conditions as the restrictions under Section 37 of the NDPS Act does not attract in respect of the present petitioner.

Mr. Madhusudan Sur, learned Counsel appearing on behalf of the State opposed the bail prayer contending that the present petitioner was the custodian of the narcotic substance. However, he managed to fled away from the spot. He has three more criminal antecedents beside the present one.

Report submitted by the Police dated 23rd September, 2025 is

kept with the record.

Having heard learned Counsel appearing on behalf of the petitioner and the State and that the facts and circumstances of the case and the materials collected so far suggests that the rigour of Section 37 of the NDPS Act may not attract in respect of the present petitioner and furthermore, there is hardly any chance of early conclusion of trial and therefore his further detention will not yield any fruitful result for which the prayer for bail made by the petitioner is allowed.

Accordingly, petitioner namely **Saruk Gazi** shall be enlarged on bail upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, one of whom must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Barasat and on condition that he will not leave the geographical limit of district – North 24-Paganas without taking permission from the Trial Court and also on condition that he will meet O.C./I.C. Hasnabad Police Station once in a week till further order and also on condition that the accused 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 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) 954 of 2025** is, 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.)