

18.09.2025
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SB
Allowed

C.R.M. (NDPS) 969 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 5.2.2025 under Sections 21(c)/27A/29 of the NDPS Act, 1985.

And

In the matter of : **Md. Sakiul Sk @ Momin @ Sakiul Momin**
.... Petitioner

Mr. Mrityunjoy Chatterjee

Mr. Imtadul Hanka

Mr. Arka Roy

...for the Petitioner

Ms. Anasuya Sinha, Ld. APP

Ms. Debolina Das

...for the State

Report submitted by the State dated 14.9.2025 is taken on record.

Learned counsel for the petitioner submits that nothing was recovered from the possession of the present petitioner and that he is in custody for about 110 days and that the investigation has already been culminated into a charge-sheet. He further submits that the recovery of contraband was made from one Wasim Akram and the name of the petitioner was transpired from his statement. He further submits that another co-accused, Habibuddin Momin whose name was also transpired from the co-accused statement and against whom, the allegation of the prosecution is that he made phone call to other co-accused, have been granted anticipatory bail in CRM (A) 2687 of 2025, on the ground that no phone call was made by said co-accused Habibuddin Momin to the person namely,

Wasim Akram from whom the recovery was made. He further submits that another co-accused namely, Raju Momin who was apprehended on the basis of co-accused statement, has also been granted bail by this court after suffering incarceration for about 90 days. Accordingly, the present petitioner is almost on the same footing with the other co-accused persons and as such, he may be released on bail on any terms and conditions.

Learned counsel for the State opposed the bail prayer contending that more than 150 phone calls were made by the present petitioner along with other co-accused persons but not with principal accused, Wasim Akram. He further submits that the charge-sheet was submitted on 31st July, 2025 but charge has not yet been framed.

Having considered the submissions made on behalf of both the parties and that due to non-recovery of any contraband from the possession of the present petitioner and that he is almost on the same footing with that of the co-accused persons namely, Raju Momin and Habibuddin Momin, the rigour of Section 37 of the NDPS act may not attract in respect of the present petitioner in the instant case and as such, the prayer for bail made by the petitioner is allowed.

Accordingly, the petitioner namely, **Md. Sakiul Sk @ Momin @ Sakiul 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) 969 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.)