

10.9.2025

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Ct.29

Allowed

CRM (NDPS) No. 975 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to section 483 of the BNSS Act, 2023 filed in connection with NDPS Case No. 78 of 2024 arising out of Sagardighi Police Station case no. 375 of 2024 dated 30.8.2024 under Sections 20(b)(ii)(B) of the N.D.P.S. Act, 1985.

And

In the matter of : **Gobindo Sarkar @ Haradhan @ Gabinda Sarkar**

... petitioner

Mr. Shabir Ahmed
Mr. Shraman Sarkar
Mr. Tasnim Ahamed
Mr. Dhiman Banerjee

...for the petitioner

Mr. Madhusudan Sur, Ld. APP
Ms. Trisha Rakshit

...for the State

Prosecution case is that 14 kgs. of ganja was recovered from one Bappa and Sourav who are on court bail. The name of the present petitioner transpired from the co-accused statement and he had surrendered before the court on 19th July, 2025 and since then, he is in custody. In the present case, the charge-sheet was submitted on 27th October, 2024 but the charge has not yet been framed and as such, nobody knows when the trial would be concluded and considering all these, the petitioner may be released on bail on any terms and conditions.

Learned counsel for the State opposed the bail prayer contending that during investigation, it revealed that Bappa had transferred money to one Bodhon Sarkar who is not an accused but said Bodhon Sarkar had further transferred money in favour of the present petitioner. Furthermore, there are also huge number of phone

call records in between the present petitioner and the principal accused, Bappa and Sourav and as such, the petitioner has got nexus with the alleged racket.

Having considered the submissions made on behalf of both the parties and that the intermittent quantity of narcotic substance is involved in the present case and as such, the rigour of Section 37 of the NDPS Act does not attract in respect of the present petitioner and considering the fact that the investigation has already been culminated into a charge-sheet and the trial has not yet commenced and in such circumstances, further detention of the present petitioner will not yield any fruitful result and also there is uncertainty as to when the trial would commence, the prayer for bail made by the petitioners is allowed.

Accordingly, petitioner namely, **Gobindo Sarkar @ Haradhan @ Gabinda Sarkar** 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 Additional Chief Judicial Magistrate, Berhampore and on condition that he will not leave the geographical limit of District-Murshidabad without taking permission from the Trial Court and also on condition that he 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 Berhampore without taking leave from the court below and shall report to the O.C./I.C., Berhampore 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 nothing said herein shall be construed as an expression of opinion on the merits of the case.

The application for bail being CRM (NDPS) 975 of 2025 is, accordingly 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.)