

16.09.2025
Item no.200
Ct. No. 29
(ALLOWED)

C.R.M. (NDPS) 978 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973/ under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliachak Police Station Case No. 1073 of 2025 dated 17/06/2025 under sections 21(C)/25/27A/29 of the NDPS Act, 1985.

BD.

In the matter of : **Saifuddin Mia @ Abu Motaleb**

.... Petitioner.

Mr.Arup Kumar Bhowmick ... for the petitioner.

Ms. Suparna Chatterjee ... for the State.

The report submitted by the State dated 14.09.2025 is taken on record.

Prosecution case is that 306 gms. of brown sugar was recovered from one Sahadat Sk.

Learned counsel appearing on behalf of the petitioner submits that his name transpired from the co-accused statement and nothing was recovered from his possession. He further submits that he is in custody for about 74 days. However he has no criminal antecedence.

Learned counsel appearing on behalf of the State opposed the bail prayer and submits that investigation is still in progress. However, in her usual fairness she submits that the name of the present petitioner was transpired from the co-accused statement and the report reveals that he has no criminal antecedent nor there is any allegation of money trailing against the present

petitioner nor any suspicious CDR has been detected against him during investigation.

Having heard the submissions made on behalf of the learned counsel for the petitioner and the State and that the investigation in respect of the present petitioner must have advanced to a considerable extent during his detention in the custody and that nothing contraband was recovered from the possession of the present petitioner and that the rigour of section 37 of the NDPS Act, may not attract in respect of the present petitioner and as such I find that further detention of the present petitioner may not be required in the interest of investigation, the prayer for bail made by the petitioner is allowed.

Accordingly, the petitioner namely **Saifuddin Mia @ Abu Motaleb**, shall find bail of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, one of which must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Malda, and also on condition that the petitioner shall not leave the geographical limit of District- Malda, without the leave of the trial court, and shall report to the Inspector-in-charge/Officer-in-Charge, Kaliachak Police Station, District- Malda, once in a week until further order.

It is further ordered 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 cell 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 jurisdiction of the trial court without taking leave from the Court below. In case of violation of any of the conditions the trial Court will be at liberty to cancel the bail without making any further reference to this Court.

Be it mentioned, that anything said herein shall not be construed as an expression of opinion on the merits of the case by this Court.

Accordingly, C.R.M. (NDPS) 978 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.)

