

4.9.2025
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Allowed

C.R.M. (NDPS) 983 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS case no. 31 of 2025 arising out of Patiram Police Station case no. 117 of 2025 dated 10.5.2025 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act, 1985.

And

In the matter of : **Eshan Paul**

.... Petitioner

Mr. Ramdulal Manna

Ms. Manju Manna(Dey)

Mr. Sayan Mukherjee

...for the Petitioner

Ms. Ranabir Roy Chowdhury

Ms. Rita Dutta

...for the State

Learned counsel for the petitioner submits that the petitioner is not FIR named and he was shown arrested while he was in custody in connection with another case being Cyber Crime PS case no. 21 of 2025 dated 30.4.2025. He further submits that nothing was recovered from his possession and he is in custody for about 128 days. He further submits that he has already been granted bail in connection with said Cyber crime case. Accordingly, he submits that the co-accused statement has no evidentiary value 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, the name of the present petitioner transpired from the co-accused statement but it is true that nothing was recovered from the possession of the present petitioner.

Having considered the submissions made on behalf of both the parties and that investigation in respect of the present petitioner must have advanced to a considerable extent while he was in custody, I find that his further detention is not required in the interest of investigation and since there was no recovery, the rigour of Section 37 of the NDPS Act may not attract in respect of the present petitioner and as such, the prayer for bail made by the present petitioner is allowed.

Accordingly, the petitioner namely, **Eshan Paul** 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, Dakshin Dinajpur at Balurghat 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 Dakshin Dinajpur without taking leave from the court below and shall report to the O.C./I.C., Patiram 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) 983 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.)