

CRM (NDPS) 1007 of 2025

An application for bail under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Hogolberia Police Station Case No. 142/2023 dated 11.05.2025 under Sections 21(c) /25 of the NDPS Act.

Bijan Mondal
Vs.
The State of West Bengal

Mr. Jaydeep Biswas
Mr. Amanul Islam
Mr. Sourav Mukherjee
Mr. Kaushik Ghosh
.....For the Petitioner

Mr. Bibhaswan Bhattacharya
Ms. Ratna Ghosh
....For the State

Report submitted by the State dated 14.08.2025 is taken on record.

Prosecution case is that 800 bottles of cough syrup containing codeine phosphate was recovered from the possession of Dirag Mondal and the name of the petitioner transpired from the co-accused statement. It is further case of the prosecution that the accomplices fled away from the spot and the present petitioner is one of such accomplices.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is in custody for about three months and five days and his further detention may not be required in the interest of

investigation and he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State opposed the bail prayer contending that investigation is still in progress and the petitioner has two antecedents out of which he has been acquitted in connection with Hogolberia Police Station case no. 171 of 2019 and another case being Hogolberia Police Station Case No.32 of 2023 is still pending wherein he is on court bail.

Having heard the submissions made on behalf of both the parties it appears that nothing was recovered from the possession of the present petitioner and as such the regour of Section 37 of the NDPS Act may not attract in respect of the present petitioner. Moreover the investigation in respect of the present petitioner must have been advanced to a considerable extent during his detention in the custody.

In such view of the matter, the petitioner, namely, **Bijan Mondal** 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, Krishnanagar, and also on condition that the petitioner shall not leave the geographical limit of District – Nadia, without the leave of the Trial Court and shall report

to the Officer-in-charge/Inspector in Charge, Hogolberia Police Station, District – Nadia, 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 him 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 jurisdiction of trial court without taking leave from the court below. 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 by this Court.

Accordingly, CRM (NDPS) 1007 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.)