

25.09.2025
Item no. 175
Ct. No. 29
(ALLOWED)

C.R.M. (NDPS) 1004 of 2025

In Re:- An application for bail under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 125 of 2024 arising out of Sagarpara Police Station Case No. 475 of 2024 dated 01.12.2024 under sections 21 (c)/29 of the NDPS Act, 1985.

BD.

In the matter of : **Saharul Mondal**

.... Petitioner.

Ms.Shabana Hasin

... for the petitioner.

Mr. Antarikhya Basu

Ms. Srilekha Chattopadhyay

... for the State.

Learned counsel appearing on behalf of the petitioner submits that nothing was recovered from the possession of the present petitioner and the prosecution case is that 700 bottles of cough syrup containing codeine phosphate was recovered from one Ajijul Sheikh and on the basis of co-accused statement the petitioner and other accused persons were arrested. However, the other accused persons have already been granted bail and the present petitioner is almost on the same footing. Petitioner is in custody since 26.07.2025 i.e., for about 60 days and as such he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State submits that when the recovery of huge quantity of narcotic substance was made from the co-accused the petitioner and other accused persons managed to flee away from the spot. However, their involvement, reflected

from the co-accused statement. Though she submits that the petitioner does not have any criminal antecedent. She further submits that investigation has already been ended but the charge has not yet been framed.

Having heard learned counsel appearing on behalf of the petitioner and the State, and that the petitioner's name transpired from the co-accused statement and nothing was recovered from his possession and the rigour of section 37 of the NDPS Act, may not attract in respect of the present petitioner and that investigation has already been ended and for which his further detention will yield no fruitful result, accordingly, the prayer for bail made by the petitioner is allowed.

Accordingly, the petitioner namely, **Saharul Mondal**, 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, Murshidabad, and also on condition that the petitioner shall not leave the geographical limit of District- Murshidabad, without the leave of the trial court, and shall report to the Inspector-in-charge/Officer-in-Charge, Sagarpara Police Station, District- Murshidabad, 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) 1004 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.)