

CRM (NDPS) 1015 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 Shalimar GRPS Police Station Case No. 29/2025 dated 19.05.2025 under Sections 21(b) (ii)(B) of the NDPS Act.

Fulchand Sarkar
Vs.
The State of West Bengal

Md. Wasim Akram
.....For the Petitioner
Mr. Rana Mukherjee, Ld. APP
Miss Kanchan Roy
....For the State

Prosecution case is that 1 kg 49 grams of ganja was recovered from the exclusive possession of the present petitioner.

Petitioner submits that he is in custody for about 93 days and the investigation has already been culminated into a charge sheet.

Learned advocate appearing on behalf of the State candidly submits that the intermittent question of recovery of narcotic substance is involved in the present case and the investigation has already been culminated into a charge sheet. He further submits that the next day is fixed on 24th September, 2025 before the learned trial court for recording

of evidence.

Having heard the submissions made on behalf of both the parties and that of rigour of Section 37 of the NDPS Act does not attract the present petitioner, I find that further detention of the present petitioner will not serve any fruitful purpose since the trial has already been commenced and as such, the prayer for bail made by the present petitioner is allowed.

Accordingly, the petitioner namely, **Fulchand Sarkar** 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, Howrah, and also on condition that the petitioner shall not leave the geographical limit of District – Howrah, without the leave of the Trial Court and shall report to the Officer-in-charge/Inspector in Charge, Shalimar GRPS Police Station, District – Howrah, 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) 1015 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.)