

25.09.2025

akb
Sl. 158
Ct.29
Allowed

CRM (NDPS) No. 1020 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 as amended / under Section 483 of the BNSS Act, 2023 filed in connection with NDPS Case No. 82 of 2024 arising out of Domkal Police Station Case No. 611 of 2024 dated 10.09.2024 under Section 20(b)(ii)(c)/29 of the N.D.P.S. Act, 1985.

And

In re: Nripen Barman

... petitioner.

Mr. Tapodip Gupta

...for the petitioner

Ms. Anasuya Sinha

Mr. Ratul Ghosh

...for the State

Prosecution case is that 21 kgs. 300 gms. of Ganja was recovered from the possession of one co-accused, Nabiul Malitha. The name of the present petitioner transpired from co-accused statement.

Learned Counsel appearing on behalf of the petitioner submits that nothing was recovered from the possession of the present petitioner and he is in custody for about 100 days and the investigation has already been culminated into a charge sheet and for which his further detention is not required since restrictions under Section 37 of the NDPS Act is not applicable in case of the present petitioner.

Learned Counsel appearing on behalf of the State opposed the bail prayer contending that the present petitioner was seller of the contraband and had made several phone calls to the other co-accused persons, which prima facie establishes his involvement with the alleged offence.

Report submitted by the learned Counsel for the State is kept with the record.

Having heard learned Counsel appearing on behalf of the petitioner and the State and that nothing was recovered from the

possession of the present petitioner and as such rigour of Section 37 of the NDPS Act may not attract in respect of the present petitioner and that the investigation has already been ended into a charge sheet, the prayer for bail made by the petitioner is allowed.

Accordingly, petitioner namely **Nripen Barman** shall be enlarged on bail upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, one of whom must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Murshidabad at Berhampore and on condition that he will not leave the geographical limit of district – Murshidabad without taking permission from the Trial Court and also on condition that he will meet O.C./I.C. Domkal Police Station once in a week till further order and also on condition that the accused 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 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 nothing said herein shall be construed as an expression of opinion on the merits of the case.

The application for bail being **CRM (NDPS) 1020 of 2025** is, accordingly allowed and disposed of.

Urgent Photostat certified copy of this order, if applied for, be

given to the parties, upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)