

27.08.2025
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Allowed

C.R.M. (NDPS) 1042 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with PTN no. WBND 01p0004042025 arising out of Hogolberia Police Station case no. 142 of 2025 dated 11.5.2025 under Sections 21(c)/25 of the NDPS Act, 1985.

And

In the matter of : **Biswajit Pal**

.... Petitioner

Md. Golam Nure Imrohi
Mr. Md. Sabbir Biswas
Mr. Pratha Pratim Sinha

...for the Petitioner

Mr. Bibhaswan Bhattacharya
Ms. Jonaki Saha

...for the State

Report submitted by the State dated 27.8.2025 is taken on record.

Learned counsel for the petitioner submits that he is in custody for about 100 days and his name transpired from the co-accused statement and during investigation, nothing was recovered from the possession of the present petitioner. He further submits that the other co-accused namely, Bijan Mondal who is also on the same footing, has already obtained bail from this court vide order dated 21.8.2025 in CRM (NDPS) 1007 of 2025. He further submits that he has no criminal antecedent nor any CDR has been detected during investigation 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 the name of the present

petitioner transpired from the co-accused statement though nothing was recovered from his possession.

Having considered the submissions made on behalf of both the parties and that the present petitioner is almost on the same footing with that of the co-accused, Bijan Mondal who was also apprehended on the basis of co-accused statement and that due to no recovery of contraband from the possession of the present petitioner, the rigour of Section 37 of the NDPS Act may not attract in respect of the present petitioner in the instant case and that investigation in respect of the present petitioner must have advanced to a considerable extent while he was in custody, the prayer for bail made by the present petitioner is allowed.

Accordingly, the petitioner namely, **Biswajit Pal** 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, Nadia 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 Nadia without taking

leave from the court below and shall report to the O.C./I.C., Holgolberia 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) 1042 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.)