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03.09.2025
Ct. 29
Jayanta
Allowed

C.R.M. (NDPS) 1034 of 2025

In Re:- An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Kaliachak Police Station case no. 107/2025 dated 26.01.2025 under Sections 21(C)/27A/29/25 of the NDPS Act;-

And

In the matter of : **Josim Sk @ Jasom Sk @ Jasim Sk**
.... Petitioner

Mr. Anup Kr. Bhowmick

...for the Petitioner

Mr. Madhusudan Sur, Ld. APP

Mr. Mujibar Ali Naskar

...for the State

The prosecution case is that 387 phensedyle cough syrup bottles containing codeine phosphate was recovered from the possession of one Kabir Sk.

The name of the present petitioner transpired from the co-accused statement and the investigation has already been culminated in a charge sheet which was submitted on 21st July, 2025.

Learned advocate appearing on behalf of the petitioner submits that nothing was recovered from the possession of the present petitioner and the investigation has already been ended and he has no criminal antecedent and as such his further detention will not yield any fruitful result.

Mr. Sur, learned Additional Public Prosecutor appearing for the State opposed to the bail prayer

contending that the petitioner was apprehended on the basis of warrant of arrest and he is in custody for about 38 days and some of the accused persons are still absconding and the next date is fixed before Trial court for execution report. He further submits that delay in trial is attributable to the other accused persons.

Having heard the learned advocates appearing on behalf of the petitioner and the State, it appears that nothing was recovered from the possession of the present petitioner and his name transpired from the co-accused statement and as such the rigour of section 37 of NDPS Act may not be attracted in respect of the present petitioner and that investigation has already been ended with charge sheet and for which I find that his further detention may not be required in the interest of justice.

In view of above petitioner's bail prayer is allowed.

Accordingly, the petitioner namely **Josim Sk @ Jasom Sk @ Jasim Sk**, 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, Malda 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 Malda without taking leave from the court below and shall report to the Inspector-in-charge, Kaliachak 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) 1034 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.)