

16.09.2025
206
SB
Allowed

C.R.M. (NDPS) 1035 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with N case no. 05 of 2025 arising out of New Barrackpore Police Station case no. 48 of 2025 dated 22.2.2025 under Sections 20(b)(ii)(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Rajesh Halder**

.... Petitioner

Mr. Sachit Talukdar
Mr. Tirtharaj Ghosal
Mr. T. Mirdha

...for the Petitioner

Mr. Rudradipta Nandy, Ld. APP
Ms. Snigdha Saha

...for the State

Prosecution case is that 22.280 kgs. of ganja was recovered from the possession of three accused persons who have stated the name of the present petitioner as prospective receiver of the said ganja.

Learned counsel for the petitioner submits that the name of the present petitioner transpired from the co-accused statement but though he was taken into police custody, nothing was recovered from his possession. He further submits that though in the FIR, the petitioner has described him as a prospective receiver but in the forwarding report, he has been stated as a supplier of narcotic substance and such contradiction demonstrates that the case has been foisted upon the petitioner out of grudge. He further submits that another accused of this case namely, Anupam Das who was also arrested on the basis of the co-accused statement, has

already been granted bail and he is almost on the same footing with that of the co-accused and as such, he may be released on bail on any terms and conditions.

Learned counsel for the State opposed the bail prayer contending that the present petitioner is not on the same footing with that of Anupam Das since the petitioner has one criminal antecedent and he is also FIR named. He further submits that the charge-sheet has already been submitted but the charge has not yet been framed.

Having considered the submissions made on behalf of both the parties and that the petitioner is in custody since 29.4.2025 and nothing was recovered from his possession and the investigation has already been culminated into a charge-sheet and there is uncertainty as to when the trial would commence, I find that further detention of the present petitioner will yield no fruitful result and due to non-recovery of narcotic substance 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 and considering all these, the prayer for bail made by the petitioner is allowed.

Accordingly, the petitioner namely, **Rajesh Halder** 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, North 24 Parganas 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 geographic limit of New Barrackpore Police Station without taking leave from the court below and shall report to the O.C./I.C., New Barrackpore 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) 1035 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.)