

04.09.2025
Item no.243
Ct. No. 29
(ALLOWED)

C.R.M. (NDPS) 1052 of 2025

In Re:- An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 128 of 2024 arising out of Berhampore Police Station Case No. 1997 of 2024 dated 07/12/2024 under sections 21(c)/29 of the NDPS Act, 1985.

BD.

In the matter of : **Sabir Ahamed @ Ahmed @ Ahammed**
.... Petitioner.

Mr.Arnab Chatterjee
Mr. Chandan Mondal ... for the petitioner.

Mrs. Anasuya Sinha
Ms. Arani Bhattacharya ... for the State.

Prosecution case is that from the godown of one Rohit Sk, 5650 bottles of phensedyl cough syrup containing codeine phosphate was recovered. The name of the present petitioner transpired from the co-accused statement, though nothing was recovered from his possession. He further submits that charge-sheet has been submitted against nine accused persons. His further contention is that this petitioner made an anticipatory bail prayer before this Court in CRM (A) 1954 of 2025 wherein this court rejected his anticipatory bail prayer on the ground that he has one criminal antecedence but the judgment dated 28.07.2021 shows that the present petitioner was acquitted in NDPS Case No. 223 of 2019 in respect of which his antecedence was urged in the said application for anticipatory bail. However, while disposing the said application the other accused person namely, Abdul Alim @ Mithu @ Abdul

Alim Sk. was granted anticipatory bail as he had no criminal antecedence. In the facts and circumstances of the case discloses in view of aforesaid acquittal order that the present petitioner is almost on the same footing and furthermore another accused of this case namely Khudajul Hoque @ Pintu @ Khodajul Haque has been granted anticipatory bail by this court in CRM (A) 1955 of 2025 and his name also transpired from the co-accused statement without having any recovery. So he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State opposed the bail prayer. However, in her usual fairness she submits that the present petitioner is almost on the same footing though it appears that he absconded for about eight months before his surrender.

In reply, learned counsel appearing for the petitioner submits that the present petitioner surrendered before the court below after the rejection of his anticipatory bail prayer by this court.

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 his name transpired on the basis of co-accused statement and that he is almost on the same footing with that of other co-accused, who have been granted anticipatory bail by this Court, his prayer for bail is allowed.

Accordingly, the petitioner namely **Sabir Ahamed @ Ahmed @ Ahammed**, shall find bail of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, one of which must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Berhampore, Murshidabad, and also on condition that the petitioner shall not leave the geographical limit of District-Murshidabad, without the leave of the trial court, and shall report to the Inspector-in-charge/Officer-in-Charge, Berhampore Police Station, District- Murshidabad, 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 his cell 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 the trial court without taking leave from the Court below. In case of violation of any of the conditions the trial Court will be at liberty to cancel the bail without making any further reference to this Court.

Be it mentioned, that anything said herein shall not be construed as an expression of opinion on the merits of the case by this Court.

Accordingly, C.R.M. (NDPS) 1052 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.)