

16.09.2025
Item no.211
Ct. No. 29
(ALLOWED)

C.R.M. (NDPS) 1067 of 2025

In Re:- An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 114 of 2024 arising out of Lalgola Police Station Case No. 1097 of 2024 dated 07/11/2024 under sections 21(c)/29 of the NDPS Act, 1985.

BD.

In the matter of : **Nangra Rahul @ Habibur Rahaman**
.... Petitioner.

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

Mr. Antarikhya Basu
Mr. Sobhan Gani ... for the State.

The report submitted by the State is taken on record.

Prosecution case is that 298 gms. of heroine was recovered from one Jahangir Sk @ Kalu. As per FIR statement the petitioner was the prospective recipient of the narcotic substance.

Learned counsel appearing on behalf of the petitioner submits that his name transpired from the co-accused statement and the investigation has already been culminated into a charge-sheet. He further submits that no allegation of money trailing has been levelled against him. He has also no criminal antecedence and not even suspected CDR has been detected against him during investigation. He further submits that after filing the charge-sheet he made a prayer before this Court for anticipatory bail which was rejected by this Court in

CRM (A) 1917 of 2025 on 3rd July, 2025 on the ground that proclamation of attachment order has already been passed against the petitioner. petitioner's counsel further submits that immediate after rejection within 25 days he surrendered before the Court on 28.07.2025, since then he is in custody. Considering the above mentioned facts and circumstances of the case he may be released on bail on any terms and conditions.

Mr. Basu, learned counsel, appearing on behalf of the State opposed the bail prayer contending that the petitioner was the prospective recipient of the contraband substance. However, in his usual fairness he submits that nothing was recovered from the possession of the present petitioner. However, he has one criminal antecedence being Lalgola P.S. Case No. 943 of 2019 under section 147/148/149/427 IPC and 3PDPP Act.

Having heard learned counsel appearing on behalf of the petitioner and the State and that investigation has already been culminated into a charge-sheet but charge has not yet been framed and that nothing was recovered from the possession of the present petitioner and that the rigour of section 37 of the NDPS Act, may not attract in respect of the present petitioner and since charge-sheet has already been submitted, no fruitful purpose will be served by detaining the petitioner any further in the custody, his prayer for bail is allowed.

Accordingly, the petitioner namely **Nangra Rahul @ Habibur Rahaman**, 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, Lalgola 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) 1067 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.)