

19.09.2025
Item no.206
Ct. No. 29
(ALLOWED)

C.R.M. (NDPS) 1116 of 2025

In Re:- An application for bail under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with PTN Case No. WBML01P0001412025 (Pre Trail No. 141 of 2025) arising out of Kaliachak Police Station Case No. 206 of 2025 dated 12.02.2025 under sections 21(c) / 25/27A/29/30 of the NDPS Act, 1985.

BD. In the matter of : **Titu Sk. @ Kalu @ Rafikul Sk.,** Petitioner.

Mr.Milon Mukherjee
Mr. Mritunjoy Chatterjee
Ms. Suchismita Chakraborty
Mr. Arka Roy ... for the petitioner.

Ms. Sreyasee Biswas
Ms.Suchismita Dutta ... for the State.

Report dated 16.09.2025 filed by the State is taken on record.

Prosecution case is that 2.915 Kg. of brown Sugar was recovered from six accused persons and when the search and seizure was made, the present petitioner along with others managed to fled away from the spot. However, during investigation this petitioner was shown arrested as he was in custody in connection with another case and he was taken into police custody for five days but nothing was recovered from his possession.

Mr. Mukherjee, learned counsel appearing on behalf of the petitioner submits that his name transpired from the co-accused statement and he is in custody for about 100 days and as such he may be released on bail on any terms and conditions.

Learned counsel appearing for the State opposed the bail prayer, however, in her usual fairness she submits that no recovery was made from the possession of the present petitioner but he has one criminal antecedent in connection with offence under BNS for which he was in custody.

Having heard learned counsel appearing on behalf of the petitioner and the State it appears that nothing was recovered from his possession during investigation. The report submitted on behalf of prosecution dated 16.09.2025 discloses that transaction of any money was not found in the bank account of petitioner and CDR does not reflect any contact between petitioner Titu Sk and other accused persons. Therefore, I find that rigour of section 37 may not attract in respect of the present petitioner, and as such I find his further detention may not be required since charge sheet has already been submitted, though charge has not yet been framed and there is hardly any chance of early disposal of case since other accused persons are absconding and for which his prayer for bail is allowed.

Accordingly, the petitioner namely **Titu Sk. @ Kalu @ Rafikul Sk.,** 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, Malda, and also on condition that the petitioner shall not leave the geographical limit of District-

Malda, without the leave of the trial court, and shall report to the Inspector-in-charge/Officer-in-Charge, Kaliachak Police Station, District- Malda, 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) 1116 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.)