

25.9.2025

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Ct.29

Allowed

CRM (NDPS) No. 1193 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to section 483 of the BNSS Act, 2023 filed in connection with N Case No. 251 of 2025 (also written in the order sheet as NDPS Case No. 251 of 2025) arising out of F. No. S1(VII)-188/2025 (AIU) dated August 14, 2025 under Sections 20(b)(ii)(b)/23(a) read with Section 8 of the N.D.P.S. Act, now pending before the Court of the Learned Additional District and Sessions Judge, 8th Court, Barasat, North 24 Parganas cum Special Judge under NDPS Act, Barasat, North 24 Parganas.

And

In the matter of : **Lalman Yadav @ Lalman Yadab** ... petitioner.

Mr. Navanil De

Mr. Shoumilya Majumder

...for the petitioner

Mr. Pradyut Saha

...for the UOI

Learned counsel for the petitioner submits that 11 kg 62 gms. of ganja was allegedly recovered from the possession of the present petitioner and the petitioner is in custody since 14.8.2025 i.e. for about 42 days and considering the commercial quantity of contraband involved in the present proceeding, he may be released on bail on any terms and conditions.

Learned counsel for the Union of India opposed the bail prayer contending that the investigation is still continuing though he admits that the contraband seized in the instant proceeding, is below the commercial quantity.

Having considered the submissions made on behalf of both the parties, I find that the investigation in respect of the present petitioner must have been advanced to a considerable extent and that the recovery of the instant proceeding is below the commercial quantity and as such, the rigour of Section 37 of the NDPS Act does not attract

in respect of the present petitioner as such I find that his further detention for the purpose of investigation may not be required. In such view of the matter, the prayer for bail made by the petitioner is allowed.

Accordingly, petitioner namely, **Lalman Yadav @ Lalman Yadab** shall be enlarged on bail upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, one of whom must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Barasat, North 24 parganas and on condition that she will not leave the geographical limit of District-North 24 Parganas, without taking permission from the Trial Court and also on condition that the accused 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 herself on any day during trial and shall not commit any offence while on bail. He shall give her 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 North 24 Parganas without taking leave from the court below and shall report to the O.C./I.C., Barasat 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 nothing said herein shall be construed as an expression of opinion on the merits of the case.

The application for bail being CRM (NDPS) 1193 of 2025 is,

accordingly disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)