

**IN THE HIGH COURT AT CALCUTTA
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE**

29.04.2025
(ct. no.03)
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CRM (NDPS) 142 of 2025

In Re : An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023/ under section 439 of the Code of Criminal Procedure Code.

And

**In the matter of : Mobiar Hossain @ Mobiyar Rahaman @
Nabiyar @ Belka**

.... Petitioner.

Mr. Sourav Ganguly,
Mr. Bibek Tarafdar,
Mr. Gopal Roy,
Ms. Rishita Chakraborty
... For the Petitioner

Mr. Aditi Shankar Charkarboty,
Dr. Arjun Chowdhury

... for the State.

1. Trial Court records as called for has been placed. A report has been submitted by the Officer-in-charge of Jaigaon Police Station, District-Alipurduar.
2. It appears from the report that the officer concerned has stated as follows :

*“ I beg to report that in the page no-107 of case diary charge sheet no. and date were wrongly typed as ‘Jaigaon PS Charge sheet No-06/25 dated 16.01.2025’ instead of ‘Jaigaon PS Charge Sheet No-32/25 dated 21.02.2025’. **This mistake was unintentional one** and I humbly pray for unconditional apology for such mistake. On the other hand, I have submitted Charge sheet in this case*

after completing the investigation on 21.02.2025. After that, on 22.02.2025, I have sent the charge sheet along with complete case docket to CI Kalchini Office for forwarding and from there it was sent to SDPO, Jaigaon Office for forwarding. After completing the both forwarding it was sent to GRO from there, it was sent to PP office for submitting before Ld. Court on 03.03.2025 and finally received at PP office on 03.03.2025.”

- 3. Considering the said report, the Officer-in-Charg, Jaigaon P.S. is directed to make necessary corrections at once.**
- 4. The appearance of the officers are dispensed with.**
- 5. Trial Court records be returned to the concerned Court through the learned Registrar, Circuit Bench at Jalpaiguri.**
- 6. The case is taken up for considering the bail application of the petitioner herein which is against an order dated 04.03.2025 in NDPS Case No. 104 of 2024 arising out of Jaigaon Police Station Case No. 182 of 2024 dated 4.9.2024 under Sections 21(c)/29 of NDPS Act passed by the learned Sessions Judge-cum learned Special Court under NDPS Act at Alipurduar rejecting the petitioner’s prayer for bail.**
- 7. It appears from the order under challenge that prayer for statutory bail was prayed for in respect of the present petitioner.**
- 8. The learned Court on considering the objection of the learned Public Prosecutor and considering the materials on record was pleased to reject the prayer for statutory bail. On the said date i.e 04.03.2025 the Court also received the charge sheet which was dated 21.2.2025.**

9. It appears from the materials on record including the case diary that the present case was initiated on 3.9.2024 and seizure has been shown from the joint possession of all the three accused persons which includes the present petitioner.
10. **The place of seizure** is shown as from the house of accused Safiul Haque. The articles seized were 120 bottles of cough syrup (codeine phosphate).
11. It appears that the charge sheet has been submitted on the 170th day as on 21.02.2025 and filed on 182nd day before the Court on 04.03.2025.
12. Accordingly in view of the orders of co-ordinate Benches in CRM(NDPS) 102 of 2025, order dated 7.4.2025, CRM (NDPS) 56 of 2025, order dated 18.2.2025 and CRM(NDPS) 53 of 2025, order dated 18.2.2025, and considering the fact that the seizure was made from the house of a co-accused, the petitioner herein namely, Mobiar Hossain @ Mobiyar Rahaman @ Nabiyar @ Belka is entitled to bail.
13. The petitioner namely Mobiar Hossain @ Mobiyar Rahaman @ Nabiyar @ Belka be released on bail upon furnishing bond of Rs.10,000/- with two registered sureties of Rs.5,000/- each **one of which must be local** to the satisfaction of the Learned Sessions Judge cum learned Special Court, under NDPS Act at Alipurduar on further condition that he shall attend court on each and every date fixed during trial, unless exempted and shall not tamper with any evidence and/or threaten any witness during pendency of the trial.
14. The petitioner shall not leave the jurisdiction of District-Alipurduar without the prior permission of the trial Court.
15. **CRM (NDPS) 142 of 2025 stands disposed of.**

- 16.** In case of violation of any conditions, the trial Court is at liberty to proceed in accordance with law.
- 17.** All connected application stand disposed of.
- 18.** Copy of this order be sent to the learned Trial Court.
- 19.** Urgent certified website copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Shampa Dutt (Paul), J.)