

10.09.2025
Sl. no. 44
Ct. No. 3
P.M.
(Allowed)

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

C.R.M. (NDPS) 387 OF 2025

In Re: An application for post arrest bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with PTN Case No. 494 of 2025 arising out of Cooch Behar Sadar Kotwali Police Station Case No. 407 of 2025 dated 30.04.2025 under Sections 21(c)/22(c)/29 of the NDPS Act, 1985.

- And-

In the matter of: Sajal Das @ Barman

...Petitioner

Mr. Hillol Saha Poddar,
Ms. Mousumi Das
...for the Petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Sourav Ganguly
... for the State

1. Learned counsel for the petitioner submits that except the fact that the name of the petitioner has appeared in the disclosure statement of the co-accused and there is alleging telephonic conversation as reflected in the CDR. There is no other material against the petitioner
2. Learned counsel for the State has fairly submitted that no recovery was effected from the petitioner that the name of the petitioner as appeared in the disclosure of the co-accused as well there are telephonic conversation as reflected.

3. It is a settled proposition that merely on the basis of the telephonic call as reflected from the CD, in absence of recovery effected from the accused, the bail cannot be rejected as this becomes a matter of trial. Reliance is placed on **Deepak Nagiya Vs State (NCT of Delhi)** 2023 SCC Online Delhi 564.
4. Learned counsel submits that petitioner is in custody for the last ninety days.
5. Thus taking into account the facts and circumstances of this case petitioner is admitted to bail upon furnishing a Bond of Rs. 10,000/- with two sureties, of which one must be local, to the satisfaction of the learned Special Court under NDPS Act, Cooch Behar, subject to the condition that the petitioner shall attend the trial regularly and subject to the conditions as laid down under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita and on further condition not to threaten or intimidate witnesses and to attend the jurisdictional Court on dates fixed.
6. Accordingly, **C.R.M. (NDPS) 387 of 2025** stands **disposed of.**

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

(Dinesh Kumar Sharma, J.)