

15.06.2026
Court No.35.
D/L.33.
Rakib
(Allowed)

CRM (NDPS) 1184 of 2026

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Berhampore Police Station case No. 611 of 2025 dated 26.03.2025 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In the matter of : Sukur Ali Mondal.

.....Petitioner.

Mr. Prajnadeepta Roy
Mr. Sabir Ali
Ms. Sohini Kundu
Mr. Debojyoti Goswami

.....for the Petitioner.

Mr. Gurudas Mitra
Mr. Utsav Dutta

.....for the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for one year two months and after framing of charge the evidence of the witnesses are in progress. Three seizure list witnesses have been examined who have turned hostile. Learned advocate therefore prayed that in the changed circumstances, petitioner may be released on bail.

Learned advocate appearing for the State opposes the prayer for bail and submits that more than 145 kgs of ganja were recovered from a truck, petitioner was available in the truck and there were other accused persons who were intercepted at the time when seizure was effected.

I have taken into account the factum that out of the four seizure list witnesses one of the seizure list witness is a police personnel, rest of them are individual persons. All the three seizure

list witnesses not only have turned hostile but did not support the prosecution case.

Considering the same, I am of the opinion that there is some dilution in respect of the rigors of Section 37 of the NDPS Act. As such without entering into the merits of the case, I am inclined to release the petitioner on bail at this stage. Accordingly, the prayer for bail of the petitioner is **allowed**.

As such, the petitioner, namely, **Sukur Ali Mondal** shall be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties of Rs.10,000/- (Rupees Ten Thousand only) each, one of whom must be local to the satisfaction of the learned Judge, Special Court (under NDPS Act) cum learned Additional District & Sessions Judge, 5th Court, Murshidabad, Berhampore.

If on bail, the petitioner shall be physically present on each and every date before the learned Special Court and shall not leave the jurisdiction of district of Murshidabad without prior permission of the learned Special Court.

Additionally, the learned Special Court would be at liberty to impose condition as it deems fit and proper for smooth progress of the trial of the case.

Accordingly, CRM (NDPS) No. 1184 of 2026 is **allowed**.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)