05.10.2026
Court No.35.
D/L.07.
Rakib
(Allowed)

CRM (NDPS) 1729 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 Sagardighi Police Station case no. 867 of 2025 dated 12.10.2025 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In the matter of : Mofijul Rahaman & Anr.

.....Petitioners.

Mr. Md. Anwar Hossain
Mr. Benajir Hasna
Mr. Aliul Islam

.....for the Petitioners.

Mr. Kalidas Saha
Mr. Bikash Kumar Singh

.....for the State.

Learned advocate appearing for the petitioners submit that petitioners are in custody since 12.10.2025.

Records of the case placed by the petitioners reflects that three witnesses have been examined which include two independent seizure list witnesses and the videographer.

Learned advocate appearing for the State opposes the prayer for bail as recovery was effected from both these petitioners. Two of the independent witnesses in this case have become hostile and the evidence of the videographer of the case has already been completed.

Having considered the same, I am of the opinion that petitioners have been able to dilute the rigors of Section 37 of the NDPS Act. As such, the prayer for bail of the petitioners is **allowed.**

Accordingly, the petitioners, namely, **Mofijul Rahaman** and **Moynul Ali** shall be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty Thousand only) each, 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), 5th Court, Berhampore, Murshidabad.

In this case, the local surety of the person who would be furnishing the bond should be the title deed of a property within the jurisdiction of the district of Murshidabad. Learned Special Court would cross-check the title deed and obtain a certificate from the concerned Registrar regarding the property concerned before accepting the bond.

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

With the aforesaid observations, CRM (NDPS) No. 1729 of 2026 is **allowed.**

The observations made above are only restricted for adjudication of the bail application and should not be considered a final opinion on the merits of the case.

Memo of evidence submitted by the State be kept with the record.

Certified copy of the evidence submitted by the petitioner be also kept with the record.

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.)