

27.01.2026
Court No.35.
M/L.148.
Rakib
(Allowed)

CRM (NDPS) 1713 of 2025

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 Patiram Police Station case no. 3 of 2025 dated 01.01.2025 under Sections 21(c)/22(c)/23(c)/27A of the of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : Subroto Karmakar @ Subrata & Anr.

.....Petitioners.

Mr. Kaushik Choudhury

.....for the Petitioners.

Mr. Bibaswan Bhattacharya

Mr. Ratul Ghosh

.....for the State.

Learned advocate appearing for the petitioners submits that although the subject matter of the case involves recovery of 20,725 ampoules of buprenorphine injections but there has been no recovery from the petitioners who are in custody for more than 11 months, till date only one witness has been examined by the prosecution, as such on any stringent conditions petitioners may be released on bail.

Learned advocate for the State opposes the prayer for bail and submits that not only buprenorphine but also 100 bottles of phensedyl were recovered from one of the accused. There were communications between the present petitioners and the principal accused.

However, so far as the charge-sheet is concerned and on an inspection, I find that the CDR have not been properly relied upon for legally admissible evidence. I have taking into account the same,

and I am of the view that the materials at present so far as the Case Diary is concerned or the prosecution papers are concerned are limited to statement of co-accused so far as the present petitioners are related. Accordingly, the prayer for bail of the petitioners is **allowed.**

As such, petitioners namely, **Subroto Karmakar @ Subrata and Bipul Roy** 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 cum Additional District and Sessions Judge, 3rd Court, Balurghat, Dakshin Dinajpur.

If on bail, the petitioners shall be physically present on each and every date before the learned trial Court in seisin of the case and shall not leave the jurisdiction of district of Dakshin Dinajpur without the prior permission of the learned Special Court.

Accordingly, the application for bail being CRM (NDPS) No. 1713 of 2025 is **allowed.**

Report so submitted by the State be 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.)