

26.9.2025

akb

Sl. 17

Ct.29

Allowed

CRM (NDPS) No. 1183 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure as amended/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS Case No. 119 of 2024 arising out of Ranitala Police Station Case No. 970 of 2024 dated 25.11.2024 under Section 21(c)/29 of the NDPS Act, 1985.

And

In re: Darjeling Sk @ Darjeeling Sk @ Mesrul Sk. ... petitioner

Mr. Tapodip Gupta

Mr. Suman Bhanja

...for the petitioner

Mr. Madhusudan Sur

Mr. Ashoke Das

...for the State

Learned Counsel appearing on behalf of the petitioner submits that 560 bottles of cough syrup containing codeine syrup was recovered from the possession of one Jelip Islam @ Raju. The name of the present petitioner transpired from the co-accused statement. However, investigation has already been culminated into a charge sheet but nothing was recovered from the possession of the present petitioner.

Mr. Madhusudan Sur, learned Counsel appearing on behalf of the State opposed the bail prayer but in his usual fairness submits that the name of the present petitioner transpired from the co-accused statement and it is true that during investigation no contraband was recovered from the possession of the present petitioner and as such he leaves the prayer for bail to the discretion of the Court.

Having heard learned Counsel appearing on behalf of the petitioner and the State and that there was no recovery of contraband from the possession of the present petitioner and as co-accused statement has got no evidentiary value the rigour of Section of the 37 of the NDPS Act may not attract in respect of the present petitioner in

the instant proceeding, the prayer for bail made by the petitioner is allowed.

Accordingly, petitioner namely **Darjeling Sk @ Darjeeling Sk @ Mesrul Sk.** shall be enlarged on bail upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, one of whom must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Murshidabad at Berhampore and on condition that he will not leave the geographical limit of district – Murshidabad without taking permission from the Trial Court and also on condition that he will meet O.C./I.C. Ranitala Police Station once in a week till further order and also on condition that the accused shall not mis-use the liberty granted by this Court and he shall not tamper with any evidence orally or documentary during the trial. He shall not absent himself on any day during trial and shall not commit any offence while on bail. He shall give his mobile phone number to the local police station and shall not change it without prior permission of the Trial Court and he shall not in any manner try to delay the trial. The Court below will be at liberty to cancel the bail in the event of violation of any of the conditions without making any reference to this Court.

Be it mentioned, that nothing said herein shall be construed as an expression of opinion on the merits of the case.

The application for bail being **CRM (NDPS) 1183 of 2025** is, accordingly allowed and disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)