

CRM (NDPS) 172 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Shalimar GRPS P.S. Case No. 73 of 2024** dated **19.11.2024** under Sections **20(b)(ii)(B)** of the Narcotic Drugs & Psychotropic Substances Act 1985.

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In the matter of : Md. Rijwan Fahami. Petitioner.

Sk. Toslim Ali, ... For the Petitioner.

Ms. Rituparna De Ghose,
Mr. Prakash Mishra, ... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner says that he has been falsely implicated. Allegedly, 15 kgs. of Ganja (intermediate quantity) was seized from him. He is in custody for 97 days. Investigation is complete. Chargesheet has been filed. His further custodial detention is unnecessary.

2. While opposing the prayer for bail, learned State advocate tells us that the petitioner is a resident of Jharkhand. There is a possibility of the petitioner absconding, if enlarged on bail. However, she, in her usual fairness, says that intermediate quantity of narcotics is involved.

3. We see that investigation is complete. Since intermediate quantity of narcotics is involved, the restriction in Section 37 of the NDPS Act, will not apply.

4. On an overall assessment of the facts and circumstances of the case, we are inclined to allow the petitioner's prayer for bail.

5. Accordingly, we direct that the petitioner, namely, **Md. Rijwan Fahami** shall be released on bail upon furnishing a bond of Rs.

25,000/- with two sureties of Rs.12,500/- each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court (under the NDPS Act), Howrah subject to the condition that the petitioner shall remain within the jurisdiction of the Howrah Police Station and shall meet the Officer-in-Charge/Inspector-in-Charge, Howrah Police Station, once in every week until further orders.

6. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

7. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

8. The application for bail is, accordingly, allowed.

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

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)