

11.03.2025
Item no. 32.
Court No.29.
AB
(Allowed)

CRM (NDPS) 226 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 Swarupnagar Police Station Case No.719 of 2024 Dated 19.11.2024 under Section 20B of the NDPS Act read with Sections 221/115(2)/121(2) of the B.N.S. 2023

And

In the matter of : Ashadulla Mallick

.....Petitioner.

Mr. Anshuman Chakraborty
Mr. S. S. Sahafor the Petitioner.

Mr. Joydeep Biswas,
Mr. Dattatreya Duttafor the State.

Dictated by Arijit Banerjee, J.

1. Allegedly 15.95 kilograms of ganja was seized from this petitioner. Intermediate quantity of contraband items being involved, the restrictions in Section 37 of the NDPS Act would not apply.
2. The State opposes the prayer for bail. It says that the petitioner has criminal antecedents. In one case, he is charged with the offence of attempted robbery with arms and in another case, he is charged with theft. However, we find that in both those cases, the petitioner is on bail.
3. In the present case, there is also a charge of causing grievous injury to a BSF personnel, which happened

while the petitioner was fleeing. However, charge sheet has been filed upon completion of investigation.

4. We, therefore, are of the view that further custodial detention of the petitioner is not necessary.
5. Accordingly, we direct that the petitioner, namely **ASHADULLA MALLICK** 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 at Barasat, North 24 Parganas, and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight 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 and/or commit any cognizable offence 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.

(Om Narayan Rai, J.)

(Arijit Banerjee, J.)