

22.05.2025

Sl. no. 103

Ct. No. 29

P.M.

(Allowed)

C.R.M. (NDPS) 496 OF 2025

In Re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with N Case No. 41 of 2025 (NDPS Case No. 759 of 2025) arising out of Swarupnagar P.S. Case No. 68 of 2025 dated 11.02.2025 under Sections 20(b)(ii)(B) of NDPS Act.

And

In the matter of : **Ashif Sardar.**

.... Petitioner

Mr. Satadru Lahiri,
Mr. Safdar Azam,
Mr. P Dey,
Mr. Jyotirmay Talukder

.... For the petitioner

Mr. Ranadeb Sengupta,
Mr. Dattatreya Dutta

... for the State

Petitioner submits that below commercial quantity of ganja measuring 12 Kg. (approx) was allegedly recovered from the possession of the petitioner and charge sheet has already been submitted and he is in custody for about 100 days. He further submits that the petitioner has no criminal antecedence. Accordingly, he may be granted bail on any terms and conditions.

Learned counsel appearing on behalf of the State opposes bail prayer. However in his usual fairness he submits that as appears from the contents of the charge sheet, there is no criminal antecedence of the petitioner and the investigation has

already been ended in a charge-sheet and the seizure involved in the present case is below commercial quantity and as such he leaves the prayer to the discretion of the court.

Having considered the submissions made on behalf of both the parties I find that rigour of Section 37 may not attract in the present case and that investigation has already been completed and as such no fruitful purpose will be served in detaining him custody any further and as such the petitioner may be enlarged on bail.

The petitioner namely **Ashif Sardar** shall be released on bail upon furnishing a Bond of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, of which one must be local, to the satisfaction of the learned Chief Judicial Magistrate, Barasat and also on condition that the accused person 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 numbers 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. Petitioner shall not leave the geographic limit of North 24-Parganas District without leave of the trial Court and also on condition to meet the Officer-in-Charge, Swarupnagar P.S. once in a fortnight till further order.. 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 anything said herein shall not be construed as an expression of opinion on the merit of the case.

Accordingly CRM (NDPS) 496 of 2025 stands disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)