

17.07.2025

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SR

Allowed

CRM (NDPS) 614 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS case no. 36 of 2024 arising out of Kaliachak Police Case No. 756 of 2024 dated 28.05.2024 under Sections 21(c)/25/27A/29 of the NDPS Act, 1985.

And

In the matter of : **Md Aiyub Ansari @ Md Ayub Ansari @ Ayub Petitioner**

Mr. Wasim Akram

...for the Petitioner

Ms. Faria Hossain

Mr. RAju Mondal

...for the State

Report is taken on record.

It is submitted on behalf of the petitioner that the petitioner was arrested on the basis of co-accused statement and nothing was recovered from his possession. He is in custody for about 100 days and one of the co-accused, who was the driver of the vehicle, wherefrom contraband was recovered has already been granted bail by this High Court. He further submits that according to prosecution case 301 grams of brown sugar was allegedly recovered from the possession of two accused persons, namely, Asim Sk and Samim Aktar. As such, he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State opposes the bail prayer contending that the petitioner was absconding and thereafter surrendered before the learned

Trial Court on 7th April, 2025 when warrant of arrest and proclamation were issued. Accordingly, he opposes the bail prayer, considering his past conduct.

Having heard the learned counsel appearing for the petitioner and the State and that, no recovery was made from the present petitioner and that, he voluntarily surrendered before the Court, I find that the rigour of Section 37 of NDPS Act may not attract in respect of the present petitioner in the instant case. As such, prayer for bail is allowed.

Accordingly, the petitioner namely, **Md Aiyub Ansari @ Md Ayub Ansari @ Ayub**, shall find bail of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, one of which must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Malda, and also on condition that the petitioner shall not leave the geographical limit of District-Malda, without the leave of the learned trial court, and shall report to the Inspector-in-Charge, Kaliachak Police Station, District –Malda, once in a week until further order.

It is further ordered 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 cell 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 petitioner shall not leave the jurisdiction of the trial court without taking

leave from the Court below. In case of violation of any of the conditions the trial Court will be at liberty to cancel the bail without making any further reference to this Court.

Be it mentioned, that anything said herein shall not be construed as an expression of opinion on the merits of the case by this Court.

Accordingly, C.R.M. (NDPS) 614 of 2025 is disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)