

20.08.2025
Item no.16
Ct. No. 29

C.R.M. (NDPS) 683 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with N Case No. 144 of 2021 arising out of Hasnabad Police Station Case No. 649 of 2021 dated 30/10/2021 under sections 21(c)/29 of the NDPS Act, 1985.

BD. In the matter of : **Rabiul Gazi @ Robiul Gaji** Petitioner.

Mr.Apalak Basu
Mr. Binay Shaw ... for the petitioner.

Mr. Abhishek Sinha
Mr. Abhishek Verma ... for the State.

(ALLOWED)

Supplementary affidavit filed by the petitioner, copy of which has been served upon the State is taken on record.

Petitioner submits that through his name transpired in the FIR, but nothing was recovered from his possession. He further submits that the bail prayer of the co-accused namely, Selim Gazi @ Salim Gazi was allowed by this Court in CRM (NDPS) 1417 of 2022 and he is almost on the same footing. He further submits that he is in custody since 22.04.2025 and trial has not yet been commenced and as such he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State opposed the bail prayer contending that the petitioner absconded for a period of two and a half years and today is fixed for framing of charge before the trial court and if

he is released on bail there is chance of his further abscontion.

In reply, learned counsel appearing on behalf of the petitioner submits that he was abroad and in support of the same he filed a copy of his passport and other documents. He further submits that he was not aware about the pendency of the instant case against him and for which the proclamation and attachment order was passed. However, this Court by an order dated 07.03.2025 set aside the order of proclamation and liberty was given to the petitioner to seek for anticipatory bail and accordingly anticipatory bail prayer was preferred before this High Court. However, his anticipatory bail prayer was rejected on 07.04.2025 and he voluntarily surrendered before the Court on 22.04.2025 and since then he is in custody.

Learned counsel appearing on behalf of the State in reply submits that the petitioner has criminal antecedence and he is involved in another criminal proceeding being Hasnabad Police Station Case No. 80 of 2021 under sections 399/402 of the IPC along with section 25/27 of the Arms Act.

Having heard learned counsel appearing on behalf of the petitioner and the State and that the petitioner voluntarily surrendered before the Court and for which his chance of abscontion is less and that he is almost on the same footing with that of other co-accused Selim

Gazi @ Salim Gazi and that nothing was recovered from the possession of the present petitioner and as such rigour of section 37 of the NDPS Act, may not attract in respect of the present petitioner, the prayer for bail made by the petitioner is allowed.

Accordingly, the petitioner namely **Rabiul Gazi @ Robiul Gaji**, 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, North 24 Parganas, and also on condition that the petitioner shall not leave the geographical limit of District- North 24 Parganas, without the leave of the trial court, and shall report to the Inspector-in-charge/Officer-in-Charge, Hasnabad Police Station, District- North 24 Parganas, once in a week until further order. The petitioner will deposit his passport before the trial court.

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) 683 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.)