

C.R.M. (NDPS) 783 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with PTN Case No. 375 of 2025 arising out of Kaliachawk Police Station Case No. 589 of 2025 dated 12.04.2025 under Sections 21(c)/25/27A/29 of the NDPS Act, 1985.

And

In the matter of : **Asrafil Sk @ Israfil**

.... Petitioner

Mr. Ayan Bhattacharya
Mr. Priyankar Ganguly
Ms. Shalini Bairagi

...for the Petitioner

Mr. Joydip Roy
Mr. Dipankar Mahata

...for the State

Learned counsel appearing on behalf of the petitioner submits that 400 grams of brown sugar was allegedly recovered from three accused persons. However, the name of the present petitioner transpired from the co-accused statement but nothing was recovered from his possession. He is in custody for about 108 days and 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 investigation is still in progress and the investigation is at the nascent stage and if he is released on bail, there is chance of his absconsion.

Having considered the submissions made on behalf of both the parties and that nothing was recovered from the possession of the present petitioner and for which the rigour

of Section 37 of the NDPS Act may not attract in respect of the present petitioner in the instant case and that the investigation in respect of the present petitioner must have advanced to a considerable extent while he was in custody and as such I find that further detention of the present petitioner is not required in the interest of investigation. Accordingly, the prayer for bail made by the present petitioner is allowed.

Accordingly, the petitioner namely, **Asrafil Sk @ Israfil** shall be released on bail upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs. 10000/- each, of which one must be local, subject to the satisfaction of the learned Chief Judicial Magistrate, Malda with further condition not to leave the geographical limit of the Malda District without the leave of the Trial Court and also on condition to report to the O.C./I.C., Kakliachawk Police Station 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, CRM (NDPS) 783 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.)