

16.07.2025
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Allowed

C.R.M. (NDPS) 788 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. 2611 of 2025 arising out of Golabari Police Station case no. 166 of 2025 dated 09.05.2025 under Sections 20(b(ii)(B)/29 of the NDPS Act, 1985.

And

In the matter of : **Ayub Nabi Sekh & Anr.**

.... Petitioners

Mr. Toslim Ali
Ms. Rituparna Bhadra

...for the Petitioner

Mr. Antarikhya Basu
Ms. Manasi Roy

...for the State

Petitioners submit that the intermittent quantity of Ganja was recovered from the joint possession of the present petitioners and they are in custody for about 65 days and that investigation has already been culminated into a charge-sheet which has been submitted by the prosecution on 5th July, 2025. Accordingly, they may be released on bail on any terms and conditions.

Learned counsel for the State opposes the bail prayer but in her usual fairness, she submits that narcotic substance involved in the present case, is below commercial quantity and the charge-sheet has already been submitted and she further submits that chemical examination report of the substance is positive.

Having considered the submissions made on behalf of both the parties and that the intermittent quantity of narcotic

substance is involved in the present case and as such, rigour of Section 37 of the NDPS Act may not attract in the present case in respect of the present petitioners and that the investigation has already been culminated into a charge-sheet, further detention of the present petitioners may not be required in the facts and circumstances of the case. In view of above, the prayer for bail made by the petitioners is allowed.

Accordingly, the petitioners namely, **Ayub Nabi Sekh and Milan Sekh** shall be released on bail upon furnishing a bond of Rs. 20,000/- each with two registered sureties of Rs. 10000/- each, of which one must be local, subject to the satisfaction of the learned Chief Judicial Magistrate, Howrah and also on condition that the accused persons shall not misuse the liberty granted by this Court and they shall not tamper with any evidence orally or documentary during the trial. They shall not absent themselves on any day during trial and shall not commit any offence while on bail. They shall give their mobile phone numbers to the local police station and shall not change it without prior permission of the trial court and they shall not in any manner try to delay the trial. The petitioners shall not leave the geographical limit of district of Howrah without taking leave from the court below and shall report to the Officer-in-charge, Golabari Police Station once in a week until 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) 788 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.)