

CRM (NDPS) 794 of 2025

An application for bail under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliachak Police Station Case No. 828/2025 dated 18.05.2025 under Sections 21(c)/25/27A/29 of the NDPS Act, 1985.

Md. Ainal Sk @ Ainal Sk
Vs.
The State of West Bengal

Md. Wasim Akram
Ms. Reshmi Khatun
.....For the Petitioner
Mr. Anand Keshri
Mr. Arup Sarkar
....For the State

Petitioner submits that nothing was recovered from his possession and he was arrested on the basis of co-accused statement and he is in custody for about 97 days. He further submits that co-accused Mostafa Sk @ Chuharu already obtained bail from this court in CRM (NDPS) 763 of 2025 on 20th August, 2025 and he is almost on the same footing with that accused Mostafa Sk @ Chuharu 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. However, in his usual fairness he submits that although petitioner was taken to police custody but nothing could be recovered from his possession

and the present petitioner is almost on the same footing with that co-accused Md Mostafa Sk @ Chuharu who was also arrested on the basis of the co-accused statement.

Having heard the learned counsel appearing on behalf of the petitioner and the State and that nothing was recovered from his possession and as such rigour of Section 37 of the NDPS Act may not attract in respect of the present petitioner, his prayer for bail is considered and allowed.

Accordingly, the petitioner namely, **Md Ainal Sk @ Ainal Sk** 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, and also on condition that the petitioner shall not leave the geographical limit of District – Malda, without the leave of the Trial Court and shall report to the Officer-in-charge/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 him mobile 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 trial court without taking leave from the court below. 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 by this Court.

Accordingly, CRM (NDPS) 794 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.)