

14.08.2025

34

SB

Allowed

C.R.M. (NDPS) 856 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. 139 of 2025 arising out of Palashipara Police Station case no. 84 of 2025 dated 26.02.2025 under Sections 21(c) of the NDPS Act, 1985.

And

In the matter of : **Asharul Hoque @ Ashan @ Ashur**
@ Asharul Haque

.... Petitioner

Mr. Tapodip Gupta

...for the Petitioner

Mr. Sandip Chakraborty

Ms. Rituparna Saha

...for the State

It is submitted on behalf of the petitioner that nothing was recovered from the possession of the present petitioner and he is in custody for about 135 days. He further submits that other accused namely, Safikul Sk., whose name transpired from the statement of the principal accused, has already been granted bail and the name of the present petitioner transpired from the statement of Safikul Sk. and he is almost on the same footing with that of the co-accused. The prosecution alleged about the criminal antecedents of the present petitioner but the present petitioner has already been acquitted in connection with said NDPS case no. 86 of 2018 vide judgment dated 15th March, 2021. He further submits that he is innocent and is no way involved with the alleged offence and as such, he 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 nothing was recovered from the possession of the present petitioner though he was taken into police custody and his name transpired from the co-accused statement. She further submits that he is almost on the same footing with that of Safikul Sk. who has been granted bail vide order dated 5.6.2025 in CRM (NDPS) 651 of 2025. However, she submits that the investigation has not yet been concluded and upon instruction, she further submits that the prosecution proposes to file charge-sheet within a period of one week.

Having considered the submissions made on behalf of both the parties and that nothing was recovered from the possession of the present petitioner, the rigour of Section 37 of the NDPS Act may not attract in respect of the present petitioner in the instant case and that he is almost on the same footing with that of the co-accused, Safikul Sk., whose name also transpired from the co-accused statement, the prayer for bail made by the present petitioner is allowed.

Accordingly, the petitioner namely, **Asharul Hoque @ Ashan @ Ashur @ Asharul Haque** 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, Krishnanagar, Nadia and also on condition 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 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 geographical limit of district of Nadia without taking leave from the court below and shall report to the O.C./I.C., Palashipara 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) 856 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.)