

19.08.2025

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Allowed

C.R.M. (NDPS) 946 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS case no. 106 of 2023 arising out of Baishnabnagar Police Station case no. 738 of 2023 dated 22.10.2023 under Sections 21(c)/25/29 of the NDPS Act, 1985.

And

In the matter of : **Amirul Islam**

.... Petitioner

Mr. Tapodip Gupta

...for the Petitioner

Mr. Bitasok Banerjee

Ms. Debadrita Mondal

...for the State

It is submitted on behalf of the petitioner that the petitioner is in custody for about one year and three months and his name transpired from the co-accused statement which has got no evidentiary value. He further submits that nothing was recovered from the possession of the present petitioner and he was shown arrested in the instant case. He further submits that two other accused persons namely, Nasim Sk. and Manirul Sk., who were on the same footing with that of the present petitioner, have already been granted bail by this court and as such, he may be released on bail on any terms and conditions.

Learned counsel for the State opposes the bail prayer contending that the present petitioner was allegedly driving the bike from which the narcotic substance was recovered though he managed to fled away from the spot and that the petitioner has criminal antecedents.

Having considered the submissions made on behalf of both the parties and that as per seizure list 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 as such, the prayer for bail made by the present petitioner is allowed.

Accordingly, the petitioner namely, **Amirul Islam** 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 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 Malda without taking leave from the court below and shall report to the O.C./I.C., Baishnabnagar 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) 946 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.)