

3.9.2025  
sb  
214  
Ct.29  
**Allowed**

**CRM (NDPS) No. 1091 of 2025**

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to section 483 of the BNSS Act, 2023 filed in connection with N Case No. 155 of 2025 arising out of F. No. SI(VII)-96/2025 (AIU) dated 27.5.2025 under Sections 20(b)/23A read with Section 8 of the N.D.P.S. Act, 1985.

And

In the matter of : **Akash Himmatbhai Kheni**

**... petitioner.**

Mr. Angshuman Chakraborty  
Mr. S. S.Saha

...for the petitioner

In spite of service, Air Customs Authority/complainant is not represented.

Learned counsel for the petitioner submits that intermittent quantity of ganja of which net weight is 8011 gms. was allegedly recovered from the exclusive possession of the present petitioner. Petitioner is in custody since 27<sup>th</sup> May, 2025. He further submits that the investigation has ended with the charge-sheet and as such, he may be released on bail on any terms and conditions.

Having considered the submissions made on behalf of the learned Counsel appearing on behalf of the petitioner, it appears that the intermittent quantity of narcotic substance is involved in the present case and as such, the rigour of Section 37 of the NDPS Act does not attract in respect of the present petitioner and the investigation has already been culminated into the charge-sheet and as such, I find that no fruitful purpose will be served by detaining the petitioner any further in the custody, the prayer for bail made by the petitioner is allowed.

Accordingly, petitioner namely, **Akash Himmatbhai Kheni** shall be enlarged on bail upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, one of whom must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Barasat, North 24 parganas and on condition that he will not leave the geographical limit of District-North 24 Parganas, without taking permission from the Trial Court and also on condition that the accused 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 North 24 Parganas without taking leave from the court below and shall report to the O.C./I.C., Barasat 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 nothing said herein shall be construed as an expression of opinion on the merits of the case.

The application for bail being CRM (NDPS) 1091 of 2025 is, accordingly disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all requisite formalities.

**(Dr. Ajoy Kumar Mukherjee, J.)**

