

D/L52  
19.12.2025  
Bpg.  
allowed

C.R.M. (NDPS) 1209 of 2025

In Re: An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Kaliachawk Police Station Case No.723 of 2024 dated 23.05.2024 under Sections 21(c)/27A/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985;

Ashok Ghosh  
Versus  
The State of West Bengal

Mr. Sekhar Basu  
Mr. Avinaba Patra  
Mr. Dipayan Kundu.  
...for the petitioner.

Mr. Avishek Sinha  
Mr. Debanshu Ghorai.  
...for the State.

Learned senior advocate appearing for the petitioner submits that the petitioner was shown arrested in connection with the instant case on the basis of statement of co-accused. The subject matter of the case relates to recovery of 2.6 kgs. of brown sugar from the principal accused. Petitioner is in custody since 6<sup>th</sup> August, 2025 and till date charges have not been framed, as such, there is no possibility of the trial concluding in near future. Consequently, the petitioner may be released on bail.

Learned advocate for the State opposes the prayer for bail but is unable to dislodge the contention that the petitioner has been arrested only on the basis of statement of co-accused.

Having considered the same, I am of the view that the petitioner has been able to overcome the rigors of Section 37 of the NDPS Act and, as such, he is entitled to be released on bail.

Accordingly, the prayer for bail of the petitioner is allowed. The petitioner, namely, Ashok Ghosh shall be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties of Rs.10,000/- each, one of whom must be local to the satisfaction of the learned Judge, Special Court under NDPS Act-cum-Additional District Judge, 3<sup>rd</sup> Court, Malda. If on bail, the petitioner shall be physically present on each and every date fixed by the learned trial court and shall not leave the jurisdiction of the district of Malda without the prior permission of the learned special court.

Accordingly, CRM (NDPS) 1209 of 2025 is allowed.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

**(Tirthankar Ghosh, J.)**