

04.12.2025
Court No.28
Item No.4
ssi

CRM (NDPS) 1358 of 2025

In Re: - An application for bail under Section 483 of the Bharatiya Suraksha Nagarik Sanhita in connection with Manikchak PS Case No.**401 of 2025** dated **06.06.2025** under Sections **21 (C), 27A and 29** of the NDPS Act.

And

In the matter of: **Wasib Ali @ Risab Ali & another.**

....Applicants/Petitioners.

Mr. Sagar Saha

Ms. Nayana Mukhopadhyay

...for the petitioners

Mr. Ranabir Roy Chowdhury

..for the State

Learned counsel appearing on behalf of the petitioners submits as follows. The only incriminating material available against the petitioners is the statement of a co-accused which is not inadmissible in evidence. Yet, he is in custody for about 124 days in connection with this case. Charge sheet has already been submitted.

Learned counsel appearing on behalf of the State opposes the prayer for bail. He relies on a report which is taken on record. However, he submits that there is no money trail or call record available that would implicate the petitioners. There is a criminal antecedent, but that is not in connection with any case under the NDPS Act. Therefore, the only adverse material available against the petitioners is the statement of a co-accused.

As the only incriminating material available against the present petitioners is the statement of a co-accused, the petitioners have been able to rebut the restriction contained in Section 37of the NDPS Act

and considering the materials available in the case diary, I am inclined to grant bail to the petitioners.

Accordingly, the application for bail of the petitioners is allowed.

Let the petitioners be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court, ADJ 4th Court, Malda and also be subject to the conditions that the petitioners shall appear before the trial Court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

The application for bail is, thus, disposed of.

(Jay Sengupta, J.)