

22.04.2026
Court No.35.
D/L.44.
Rakib
(Allowed)

CRM (NDPS) 754 of 2026

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with English Bazar Police Station case no. 1389 of 2025 dated 01.07.2025 under Sections 21(c)/29/27A of the NDPS Act.

And

In the matter of : Aliul Sk.

.....Petitioner.

Mr. Sandip Chakraborty
Mr. Kaustav Das
Mr. Subham Ghosh

.....for the Petitioner.

Mr. Joydeep Biswas
Ms. Pallavi Priyadarshee

.....for the State.

Learned advocate appearing for the petitioner submits that the petitioner was acquitted in connection with Special Case No. 41 of 2017 which was also under Sections 21(c)/22 of the NDPS Act wherein the petitioner was similarly implicated as an accused. In the present case, petitioner has been arrested and the accusations against him was that while he was sitting in a car when the other accused from whom recovery has been made was proceeding. It has further been submitted that the petitioner is in custody since 1st of July, 2025 and since then he is in custody, charges have already been framed by the learned trial Court.

Learned advocate for the State opposes the prayer for bail on the ground that commercial quantity of contraband has been seized, although, the seizure was from a different accused person but the petitioner was waiting to receive the said contraband.

Chemical Examiner's report reflects availability of two contrabands morphine and thebaine. The commercial quantity of the first being of 250 grams and the other being of 200 grams.

Having regard to the quantum of seizure, period of detention and the fact that petitioner has been arrested in the present case pursuant to his acquittal in a case under the NDPS Act case earlier instituted in the year 2017 and the said acquittal was on 14.01.2024, I am of the opinion that petitioner is entitled to some benefit. Accordingly, the prayer for bail of the petitioner is **allowed**.

As such, petitioner namely, **Aliul Sk** shall be released on bail upon furnishing bond of Rs. 20,000/- (Rupees Twenty Thousand only), with two sureties of Rs. 10,000 (Rupees Ten Thousand only) each, one of whom must be local to the satisfaction of the learned Judge, Special Court under NDPS Act, 3rd Court, Malda.

If on bail, the petitioner shall be physically present on each and every date fixed by the learned Special Court and shall not leave the jurisdiction of District of Malda without the prior permission of the learned Special Court.

Accordingly, CRM (NDPS) No. 754 of 2026 is **allowed**.

Memo of evidence submitted by the petitioner be kept with the record.

The Judgment relied upon the learned advocate for the State be also kept with the record.

All parties shall act in terms of server copy of the order 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 with all requisite formalities.

(Tirthankar Ghosh, J.)