

NDPS Case No. 56 of 2025
CNR No. WBUD01-003201-2025
Under Section 21(c)/23(c) NDPS Act
State Versus Md. Alam Sekh (A1)

Order No. 11
18.02.2026

- 1) Today is fixed for production of accused and IO's report.
- 2) Accused A1 is produced in virtual mode.
- 3) No report from the IO in final form.
- 4) Learned PP-in-charge is present.
- 5) One application for bail is filed on behalf of the accused/petitioner.
- 6) Copy served.
- 7) The prayer for bail is taken up for hearing.
- 8) The only point raised in support of the prayer for bail is the period of immurement of the accused/petitioner.
- 9) Learned PP-in-charge raised objection with some amount of vehemence.
- 10) More than 304 grams of heroin is allegedly recovered from the possession of the accused/petitioner which comes within *commercial quantity*.
- 11) Period of detention cannot be the sole ground of bail, particularly in a case of present description.
- 12) It needs no emphasis that the menace of narcotics has an irreversible impact upon our societal fabric.
- 13) Not only are the limitations imposed under Section 439 Cr.P.C. (Section 483 BNSS) to be kept in mind, the restrictions placed under clause (b) of sub-section (1) of Section 37 are also to be factored in.
- 14) The conditions imposed in sub-section (1) of Section 37 is that (i) the Public Prosecutor ought to be given an opportunity to oppose the application moved by an accused person for release and (ii) if such an application is opposed, then the Court must be satisfied that there are reasonable grounds for believing that the person accused is not guilty of such an offence. Additionally, the Court must be satisfied that the accused person is unlikely to commit any offence while on bail.
- 15) The expression "reasonable grounds" has come up for discussion various judgments of Hon'ble Apex Court, a landmark of which was reported in Collector of Customs, New Delhi Versus Ahmadalieva Nodira¹.
- 16) It is no longer *res-integra* that the expression "reasonable grounds" used in clause (b) of Sub-Section (1) of Section 37 NDPS Act would mean credible, plausible and grounds for the Court to believe that the accused person is not guilty of the alleged offence. For arriving at any such conclusion, such facts and circumstances must exist in a case that can persuade the Court to believe that the accused person would not have committed such an offence. Dovetailed with the aforesaid satisfaction is an additional consideration that the accused person is unlikely to commit any offence while on bail. (See- NCB Versus Mohit Aggarwal²)
- 17) Nothing is placed on record which can lift the statutory restriction engrossed in Section 37 NDPS Act.
- 18) For the reasons, as above, the prayer for bail stands refused.
- 19) IO is directed to collect the expert report, if not received earlier, and to submit report in final form by the date fixed.
- 20) Accused be remanded to J/C till 06.03.2026 (28.02.2026 – 04.03.2026 = holidays).
- 21) A copy of this order be forwarded to the IO of this case for information & necessary compliance.

Dictd. & Cortd.

Judge, Spl. Court (NDPS Act).
 Raiganj, Uttar Dinajpur.

Judge, Spl. Court (NDPS Act).
 Raiganj, Uttar Dinajpur.

¹ 2004 (3) SCC 549

² (2022) 18 SCC 374)

