

**NDPS Case No. 82 of 2025**  
**CNR No. WBUD01-004005-2025**  
**Under Section 21(c)/29 NDPS Act**

*State Versus Ayub Ali (A1), Dilip Mahato (A2), Ilyas Ali (A3) & Sabir Ali (A4)*

**Order No. 05**  
**18.02.2026**

- 1) The matter stands listed this day for the production of the accused persons and for submission of the report of the Investigating Officer.
  - 2) Accused persons A1 to A4 have been produced through virtual mode and are duly represented by their respective Learned Advocates.
  - 3) No report in its final form has yet been received from the Investigating Officer.
  - 4) The Learned Public Prosecutor-in-Charge is present and in attendance before the Court.
  - 5) Two separate applications seeking enlargement on bail have been filed, one on behalf of accused A2 and the other on behalf of the remaining accused persons.
  - 6) Copies of the said applications have been duly served upon the Learned Public Prosecutor-in-Charge.
  - 7) The prayer for bail is accordingly taken up for consideration and hearing.
  - 8) The solitary plank upon which the prayer for bail has been rested is the length of judicial custody already undergone by the accused-petitioners.
  - 9) The Learned Public Prosecutor-in-Charge has opposed the prayer with notable earnestness and measured vehemence.
  - 10) It has been brought to the fore that thirty bottles of Phensedyl cough syrup and twenty bottles of Kuf-Relief cough syrup, each containing codeine phosphate, have been recovered and seized from the conscious possession of the accused-petitioners, the aggregate whereof falls within the compass of commercial quantity.
  - 11) Mere passage of time in detention, by itself, cannot be elevated to the status of a determinative ground for grant of bail, more particularly in a prosecution of the present gravity and complexion.
  - 12) It scarcely requires reiteration that the scourge of narcotic substances casts a deep and often irreparable shadow upon the moral and social fabric of society.
  - 13) Thus, while considering the present prayer for bail, this Court is enjoined not merely to bear in mind the ordinary contours of its discretionary jurisdiction, but also to remain acutely conscious of the statutory fetters engrafted under clause (b) of sub-section (1) of Section 37.
  - 14) The mandate of Section 37(1) ordains, firstly, that the Public Prosecutor must be afforded a fair opportunity to oppose the application for release, and secondly, where such opposition is advanced, the Court must attain satisfaction that reasonable grounds exist for believing that the accused is not guilty of the alleged offence, together with the further assurance that he 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 Ahmadalieuva Nodira<sup>1</sup>.
  - 16) It is by now well settled that the expression "reasonable grounds" in clause (b) of sub-section (1) of Section 37 of the NDPS Act signifies the presence of credible and persuasive material enabling the Court to form a prima facie belief that the accused is not guilty of the alleged offence. Such satisfaction must arise from concrete facts and circumstances, coupled with a further assurance that the accused is unlikely to commit any offence while on bail. (See- NCB Versus Mohit Aggarwal<sup>2</sup>)
  - 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.

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<sup>1</sup> 2004 (3) SCC 549

<sup>2</sup> (2022) 18 SCC 374)