



IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1202 /2024  
(Arising out of SLP(Crl.)No. 736/2024)

MD. ALIUL ISLAM @ ALIUL ISLAM @ ALIUL

Appellant(s)

VERSUS

THE STATE OF WEST BENGAL

Respondent(s)

O R D E R

Leave granted.

This appeal challenges the judgment and order dated 01.12.2023 passed by the High Court at Calcutta in C.R.M. (NDPS) No. 1906 of 2023.

The appellant herein has been facing trial in connection with a crime registered pursuant to suo-motu complaint against the appellant and same being converted to First Information Report No.272/2022 dated 15.03.2022 lodged with Police Station Kaliachawk, in respect of offences punishable under Section 21(c)/27A of NDPS Act, 1985.

An application seeking regular bail having been rejected by the High Court vide impugned order dated 01.12.2023, the appellant has preferred the instant appeal.

This Court vide its order dated 22.01.2024, issued the notice in the instant matter.

Heard learned counsel for the appellant in support of the petition and learned counsel for the State and perused the material on record. The appellant is in custody for approximately 1 year 4 months.

During the course of submission it was pointed out by the learned counsel for the appellant that in another case the appellant has been granted bail and therefore, similar relief may be granted by this Court in this case. The said submission is in response to the submission made by the learned counsel for the respondent-State that this is not the only case in which the appellant has been apprehended. She further submitted that a huge quantity of codeine cough syrup was recovered from the premises (Godown) which has been tenanted by the appellant herein.

Considering the facts on record, in our view, the case for bail is made out.

We, therefore, allow this appeal and direct as under:

"The appellant herein shall be produced before the concerned trial Court as early as possible and the trial Court shall release him on bail, subject to such conditions as it may deem appropriate to impose to ensure his presence in the proceedings arising out of FIR No.272 of 2022 mentioned above."

It is directed that the appellant herein shall extend complete cooperation in the trial of the instant case. The appellant shall not misuse his liberty in any manner.

Any infraction of the conditions shall entail cancellation of bail granted to the appellant.

With these observations, the appeal is allowed.

.....J.  
(B.V. NAGARATHNA)

.....J.  
(AUGUSTINE GEORGE MASIH)

NEW DELHI;  
February 26, 2024

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 736/2024

(Arising out of impugned final judgment and order dated 01-12-2023 in CRM (NDPS) No. 1906/2023 passed by the High Court At Calcutta)

MD. ALIUL ISLAM @ ALIUL ISLAM @ ALIUL

Petitioner(s)

VERSUS

THE STATE OF WEST BENGAL

Respondent(s)

(IA No.12791/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT )

Date : 26-02-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Mr. Dibyadyuti Banerjee, Adv.  
Mrs. Sumedha Halder, Adv.  
Mr. Rohit Jaiswal, Adv.  
Mr. Abhijit Sengupta, AOR

For Respondent(s) Ms. Anju Thomas, Adv.  
Ms. Ripul Swati Kumari, Adv.  
Ms. Astha Sharma, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The Court allowed the appeal in terms of the signed order directing inter alia as under:-

"The appellant herein shall be produced before the concerned trial Court as early as possible and the trial Court shall release him on bail,

subject to such conditions as it may deem appropriate to impose to ensure his presence in the proceedings arising out of No. 272 of 2022 mentioned above."

Pending application(s) stands disposed of.

(RASHMI DHYANI PANT)  
COURT MASTER (SH)

(MALEKAR NAGARAJ)  
COURT MASTER (NSH)

(signed order is placed on the file)