

CRM 2533 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Swarupnagar Police Station Case No.777 of 2019 dated 23-09-2019 under Sections 21C/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Habibulla Biswas

.... Petitioner.

Mr. Angshuman Chakraborty

... For the Petitioner.

Mr. Sanjoy Bardhan,

Mr. Rupam Dhali,

Mr. Palash Chandra Majhi

... For the State.

The charge against the petitioner is under the provisions of the NDPS Act, 1985.

It is not in dispute that there was no recovery of contraband items from the petitioner. The petitioner has been implicated on the basis of a statement made by the co-accused. The petitioner is in custody for 162 days. Charge-sheet has been submitted. Since there was no recovery from the possession of the petitioner, the statutory restrictions under Section 37 of the NDPS Act are not attracted.

In the facts and circumstances aforesaid and considering the material in the Case Diary, we are inclined to hold that further detention of the petitioner is no longer necessary.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Judge, Special Court under NDPS Act, Barasat, North 24-

Parganas. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once every fortnight.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM 2533 of 2021 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(**Suvra Ghosh, J.)**

(**Arijit Banerjee, J.)**