

09.12.2021
Sl. No.7
akd
[ALLOWED]

C. R. M. 3086 of 2021

[via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.03.2021 in connection with NDPS Case No. 272 of 2017 arising out of NCB Crime No.42/NCB/KOL/2017 dated 10.07.2017 under Sections 25A/29 of the NDPS Act.

And

In Re: **Babulal Sk. @ Babu Lal Sheikh**

... .. Petitioner

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee

... .. for the petitioner

Mr. Y. J. Dastoor .. Ld. Addl. Solicitor General
Mr. Phiroze Edulji

... .. for the NCB

It is submitted on behalf of the petitioner that he is in custody for more than four years. It is further submitted that the seized article is not narcotic substance.

Learned Additional Solicitor General opposes the prayer for bail and submits that trial is in progress.

We have considered the materials on record. Acetic anhydride was seized from the petitioner. The said article does not fall in the list of narcotic drugs or psychotropic substance. In view of the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Babulal Sk. @ Babu Lal Sheikh**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act, 1985, Berhampore, Murshidabad subject to condition that the said petitioner shall appear

before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)