

37. 05.08.2021  
Ct.32  
Tanmoy  
Allowed

**C.R.M. 3206 of 2021**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **08.04.2021** in connection with **Palashipara Police Station Case No. 51/2021** dated **13/02/2021** under Section **17** of the N.D.P.S. Act, 1985 in N.D.P.S. Case No.**21 of 2021**.

And

In the matter of: - **Jabarul Sk @ Khakan**

....petitioner.

Mr. Rajdeep Majumdar,  
Mr. Amanul Islam,  
Mr. Sarthak Mondal,  
Mr. Sourav Mukherjee

...for the petitioner.

Mr. Rana Mukherjee, Ld. A.P.P.,  
Mrs. Sujata Das

...for the State.

The petitioner is charged with offences under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985. 100 grams of heroine was recovered from his possession. The learned trial Court rejected his prayer for bail on the ground that there is a bar under Section 37 of the N.D.P.S. Act, 1985.

We have considered the material in the Case Diary. Charge-sheet has been filed.

In view of the fact that intermediate quantity of contraband is involved and investigation is complete, we are of the view that the petitioner may be enlarged on bail.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the

satisfaction of the learned Judge, Special Court (under N.D.P.S. Act), Krishnagar, Nadia, on condition that the petitioner shall appear before the trial Court on every date of hearing and shall meet the Officer-in-Charge of the Police Station within the jurisdiction of which he resides once in a fortnight until further orders and shall not leave the district without leave of the Officer-in-Charge. The petitioner is further directed not to intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not commit similar offence in future.

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 the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being C.R.M. 3206 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

**(Suvra Ghosh, J.)**

**(Arijit Banerjee, J.)**