

54. 03.08.2021
Ct.32
Tanmoy
Allowed

C.R.M. 3789 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **25.05.2021** in connection with N.D.P.S. Case No. **57/2021** arising out of **Berhampore Police Station Case No. 264/2021** dated **16/03/2021** under Sections **22(c)/29** of the N.D.P.S. Act.

And

In the matter of: - **Anowar Hossain @ Teplu @ Anuyar Hossain**

....petitioner.

Mr. Tapodip Gupta

...for the petitioner.

Ms. Sukanya Bhattacharya,
Mr. Arindam Sen

...for the State.

The charge against the petitioner is under the Narcotic Drugs and Psychotropic Substances Act, 1985.

The petitioner says that no contraband item was recovered from his possession. He has been implicated on the basis of the statement made by the co-accused.

Learned State Advocate fairly submits that the co-accused persons who stand on the same footing, have been enlarged on bail by this Court. She also produces the Case Diary which we have perused.

Having regard to the material on record and having regard to the fact that the co-accused persons standing on the same footing have been granted bail, we are inclined to allow this application for bail. The restriction under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 is not attracted in view of there being no recovery from this petitioner.

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 learned Judge, Special Court under Narcotic Drugs and Psychotropic Substances Act, Berhampore, Murshidabad 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. 3789 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.)