

82. 09.08.2021
Ct.32
Tanmoy
Allowed

C.R.M. 3998 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **09/06/2021** in connection with **Madhyamgram Police Station Case No. 512/2020** dated **27/12/2020** under Sections **21(C)/29** of the N.D.P.S. Act. N.D.P.S. Case No.**03/2021**.

And

In the matter of: - **Samaul Ali @ Samaun Ali @ Tebu**

....petitioner.

Mr. Somray Gangopadhyaya,
Mr. Soumyajit Das Mahapatra

...for the petitioner.

Mr. Sanjay Bardhan,
Mr. Palash Chandra Maity

...for the State.

It is submitted on behalf of the petitioner that no narcotic substance was recovered from his possession and his name has transpired from the statement of a co-accused.

Learned Counsel for the State, in all fairness, concedes to the submission of the petitioner.

Upon consideration of the material on record and as no narcotic substance was recovered from the petitioner and his name transpired from statement of a co-accused before a Police Officer which is inadmissible in evidence, we are inclined to hold that the statutory restrictions under Section 37 of the Narcotic Drugs and Psychotropic Substances Act are not attracted and the petitioner may be granted 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 learned Judge, Special Court (under N.D.P.S. Act), Barasat, 24-Parganas (North) 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 every 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. 3998 of 2021 is, accordingly, **allowed**.

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.)