

CRM 4677 of 2021

In re : An application under Section 439 of the Code of Criminal Procedure, 1973 in connection with Shibpur Police Station Case No. 215 of 2019 dated 16.06.2019 under Sections 20(B)(ii) of the Narcotic Drugs and Psychotropic Substances Act.

In the matter of : **Md. Jainuddin @ Badal**

..... petitioner

Mr. Deb Kumar Sharma

....For the petitioner

**Mr. Rana Mukherjee
Mr. Saryati Dutta**

....For the State

A little more than 10 kgs. of ganja was recovered from the possession of the petitioner. That is, intermediate quantity. Hence, the restriction under Section 37 of the NDPS Act would not be attracted.

Charge-sheet has been submitted. Supplementary charge-sheet has also been submitted upon obtaining of chemical analysis report.

Learned counsel for the parties are not sure whether charges have been framed or not.

We have considered the material in the case diary. On an overall assessment of the material on record and the possible extent of complicity of the petitioner in the alleged offence and the fact that the petitioner has been in custody for about 829 days, we are of the opinion that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner, namely, **Md. Jainuddin @ Badal**, 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 the NDPS Act at Howrah and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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 is, accordingly, allowed.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)