

CRM 5420 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Monteswar** P.S. Case No. **32/2021** dated **27.01.2021** under Sections **21(c)/29** of the NDPS Act.

And

In the matter of: **Hazai Molla @ Hazrat Molla @ Hazrat & Anr.**
....Petitioners.

Mr. Shataroop Purkayastha

...for the Petitioner.

Mr. N. Ahmed

...for the State.

No narcotic substance has been recovered from the petitioners. He is in custody for 167 days.

Having considered the materials on record and in view of the submission made on behalf of the petitioners that no narcotic substance has been recovered from their possession, we are of the opinion that the petitioners have been able to rebut the statutory restrictions under Section 37 of the NDPS Act and they may be enlarged on bail.

Let the petitioners be released on bail upon furnishing a Bond of Rs. 10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court under NDPS Act, Purba Bardhaman subject to the condition that they shall appear before the learned trial court regularly on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

(Joymalya Bagchi, J.)

(Bivas Pattanayak, J.)

