

CRM 5662 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Nowda Police Station** Case No. **195 of 2021** dated **18.08.2021** under Sections **21(b)/29** of the NDPS Act.

- A n d -

In the matter of : Saidul Haque @ Saidul Sk. @ Saidul Hoque

.... Petitioner.

Mr. M. Gomes,
Mr. J. I. Hossain,

... For the Petitioner.

Mr. Imran Ali,
Mr. S. Banerjee,

... For the State.

10 grams of heroin (intermediate quantity) was recovered from the possession of the petitioner. He says that he is in custody for 45 days.

We have seen the material in the case diary including the statement of the petitioner. Since intermediate quantity of contraband item is involved, the restrictions in Section 37 of the Narcotics Drugs and Psychotropic Substances Act, 1985 would not be attracted.

On an overall assessment of the material on record and the nature of the allegations, we are of the view that the petitioner's prayer for bail may be allowed so long as he cooperates with the Investigating Officer, since charge sheet is yet to be submitted.

Accordingly, we direct that the petitioner, namely, **Saidul Haque @ Saidul Sk. @ Saidul Hoque** 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 Special Judge, under the NDPS Act, Berhampore, Murshadabad and on further conditions that he will not commit any cognizable offence and on conditions that he shall not leave the jurisdiction of concerned police station and shall report to the Investigating Officer once in every fortnight until further orders. The petitioner shall appear before the trial Court 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 in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)