

30.09.2021
Serial no.23
Aloke

(Through Video Conference)

CRM 6500 of 2021

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 23.09.2021 in connection with Palashipara Police Station Case No. 80 of 2021 dated 08.03.2021 under Sections 17/18/21(c) of the NDPS Act.

And

**In the matter of : Hasibul Sk @ Hasibul Rahaman Sk
...Petitioner**

Mr. Koustav Bagchi, Advocate
Mr. Amanul Islam, Advocate
Mr. Sourav Mukherjee, Advocate
... ... For the Petitioner
Mr. Rana Mukherejee, Id. APP
Ms. Sujata Das, Advocate
Ms. Debjani Sahu, Advocate
... ...For the State

Petitioner seeks bail

Learned advocate appearing for the petitioner submits that no contraband was seized from the possession of the petitioner. Moreover, the seizure was not witnessed by any independent witness.

Learned Advocate appearing for the State draws the attention of the Court to the seizure list. She submits that the petitioner along with the person arrested at the spot were engaged in the preparation of heroin for selling the same in the market. The quantity seized is commercial.

Considering that no contraband was seized from the possession of the petitioner and that the seizure was not witnessed by independent witness, we are of the view that the petitioner is able to rebut the presumption under Section 37 of the NDPS Act and considering that the police submitted charge-sheet, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees

Ten Thousand only) 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, Nadia at Krishnagar, subject to condition that the petitioner shall appear before the jurisdictional court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the jurisdictional court without any justifiable cause, the jurisdictional court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The application for bail is allowed.

CRM 6500 of 2021 is disposed of.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)