

16.11.2021

**CRM 6901 of 2021**

Court No.28  
Item No.26  
(ALLOWED)

Ab

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 08.10.2021 in connection with Raghunathganj Police Station Case No. 592 of 2021 dated 16.09.2021 under Sections 21(b)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : **Masud Sk.**

**...Petitioner**

**Mr. Tapodip Gupta.**

**...For the Petitioner.**

**Mr. Sanjoy Bardhan,  
Mr. Palash Chandra Maji.**

**... For the State**

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Raghunathganj Police Station Case No. 592 of 2021 dated 16.09.2021 under Sections 21(b)/29 of the Narcotic Drugs and Psychotropic Substances Act.

30 grams of Heroein has been recovered from the exclusive possession of the petitioner at the time of conducting raid. The petitioner was immediately apprehended and is in custody for nearly 61 days. The charge-sheet has already been submitted.

Since the contraband below the commercial quantity has been recovered, the rigor of Section 37 of the Narcotic Drugs and Psychotropic Substances Act does not apply. It is discretion of the

Court whether to enlarge the person on bail or not.

The State could not disclose any fact pertaining to the antecedent of the petitioner in commission of identical or similar offences.

Since the intermediate quantity of contraband has been recovered and charge-sheet has also been submitted meaning thereby no further custodial interrogation of the petitioner is required.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under Narcotic Drugs and Psychotropic Substances Act at Berhampore, Murshidabad, subject to the condition that the petitioner shall meet the Inspector in-Charge of Raghunathganj Police Station twice in a week and shall not leave the jurisdiction of the said Police Station without prior intimation to the said Inspector in-Charge.

Any violation of the conditions imposed herein above shall disentitle the petitioner to get benefit of this order and the learned Judge, Special Court under Narcotic Drugs and Psychotropic Substances Act at Berhampore, Murshidabad, shall be free to pass appropriate order without further reference to this Court.

The application for bail, being CRM 6901 of 2021, is thus **allowed.**

**(Harish Tandon, J.)**

**(Rabindranath Samanta, J.)**

