

473 30.11.2021
AD Ct. No.29
(Allowed)

C.R.M. 7336 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.11.2021 in connection with **Sagarpara** P.S. Case No. **124 of 2021** dated **14/07/2021** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act arising out of NDPS Case No.140/2021.

And

In the matter of: Masidul Islam @ Masoodul Islam

....petitioner.

Mr. Jisan Iqubal Hossain

...for the petitioner.

Mr. Swapan Banerjee

Ms. Sima Biswas

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 140 days. He draws the attention of the Court to the seizure list and the quantity of so-called contraband seized. He submits that the contraband seized is below the commercial quantity. The police submitted charge sheet and, therefore, further detention of the petitioner is not required.

Learned Advocate appearing for the State in answer to the query from the Court submits that the contraband seized is below the commercial quantity.

Considering the fact that the contraband seized is below the commercial quantity, we are of the view that the petitioner is able to rebut the presumptions under Section 37 of the NDPS Act, 1985 and considering the period of detention of the petitioner and considering the fact that the police submitted charge sheet, we grant bail to the petitioner.

Accordingly, the petitioner 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 NDPS Act, Berhampore, Murshidabad subject to the condition that during bail he shall appear before the learned trial court on the date fixed till disposal of the trial and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails 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 being C.R.M. 7336 of 2021 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)