

CRM No.7567 of 2021

**Via video conference**

06.12.21

(S.R.)

Sl.46

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Lalgola** Police Station Case No.682 of 2021 dated 09/09/2021 under Section 21(c)/29 of the NDPS Act;

And

**In re: Abdul Rahim**

**... petitioner.**

Ms. Minoti Gomes

... for the petitioner.

Mr. Ranabir Ray Chowdhury

Mr. Mainak Gupta

...for the State.

Ms. Gomes, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. There had been no recovery of contraband substance from his possession and in view thereof, further detention of the petitioner, who is in custody for about 87 days is not necessary. His name has transpired on the basis of a co-accused statement

Mr. Gupta, learned advocate appearing for the State opposes the petitioner's prayer and submits that investigation is not yet complete.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary and since contraband substance above commercial quantity was not recovered from the possession of the petitioner and as his name has transpired on the basis of a co-accused statement, we are of the opinion that the rigours of Section 37 of the NDPS Act are not attracted in the present case. In view thereof, the petitioner's prayer for bail is allowed.

Accordingly, the petitioner 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 Judge, Special Court, under NDPS Act, Berhampore, Murshidabad. However, as investigation is not yet complete, the petitioner shall

reside within the jurisdiction of Lalgola Police Station and shall meet with the investigating officer once in a week on and from 14<sup>th</sup> December till investigation is complete.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for bail being CRM No.7567 of 2021 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Sugato Majumdar, J.)**

**(Tapabrata Chakraborty, J.)**