

CRM 8036 of 2021
(via video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Bablu Molla alias Abdur Rahaman Molla
.....Petitioner

Mr. Arindam Sen
Mr. Sagnik Bhattacharya
Mr. Balaram Sarkar

.....for the Petitioner

Mr. Ranadeb Sengupta

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Swarupnagar P.S. Case No. 362 of 2020 dated 01.08.2020 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Heard learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that no contraband substance above commercial quantity was recovered from the possession of the petitioner and that his name has transpired on the basis of a statement of a co-accused. In view thereof, we are of the opinion that rigors of Section 37 of the NDPS Act are not attracted. It also appears that other co-accused persons similarly situated with the petitioner, had already been granted bail by a coordinate Bench of this Court. In view thereof, further detention of the petitioner who is in custody for about 97 days is not warranted.

Accordingly, we allow this application and direct that the petitioner, namely, **Bablu Molla alias Abdur Rahaman Molla**, 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 a local, to the satisfaction of the learned Judge, Special Court under the NDPS Act, Barasat, North 24 Parganas with further condition that the petitioner shall attend the learned Court below on all the dates, as specified for hearing and 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 his bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No. 8036 of 2021, is 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.)