

02.02.2022

Sl. 40

Court No.29

suvayan

(Allowed)

C.R.M. (NDPS) 31 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.01.2022 in connection with **Swarupnagar** P.S. Case No. **494/20** dated **04/10/2020** under Section **27 (b)** of the Drugs and Cosmetics Act read with Section **21 (b)** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Amir Hossain Mistry alias Amir Hossain

....petitioner

Mr. Angshuman Chakraborty

...for the petitioner.

Mr. Sanjoy Bardhan

Mr. Palash Chandra Majhi

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner sought to be falsely implicated on the basis of the statement made by the co-accused while in custody. No recovery was made from the possession of the petitioner.

Learned Advocate appearing for the State submits that the police filed charge-sheet.

Considering the fact that the police filed charge-sheet and considering the fact that no narcotic was recovered from the possession of the petitioner and considering the fact that petitioner sought to be proceeded against on the basis of the statement made by the co-accused while in custody, we are of the view that the petitioner is able to over come the restriction under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

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 the NDPS Act, Barasat, North 24 Porganas 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. (NDPS) 31 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)