

04.02.2022

Sl. 31

Court No.29

sourav

(Allowed)

C.R.M. (NDPS) 80 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **17.01.2022** in connection with **NCB** Crime No. **09/NCB/KOL/202** dated **26.02.2021** under Sections **8(c)r/w/21(c)/25/28/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985 in NDPS Case No. 25 of 2021.

And

In the matter of: **Saharab Shaikh.**

....petitioner.

Mr. Rajdeep Mazumder,
Mr. Moyukh Mukherjee,
Mr. Amanul Islam,
Mr. Abhijit Singh.

...for the petitioner.

Mr. Y. J. Dastoor, Ld. ASG,
Mr. Phiroze Edulji,
Ms. Many Dutta.

...for the NCB.

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated.

Learned Additional Solicitor General submits on instructions that, the Chemical Analysis Report of the materials seized initially returned a finding that the seized materials were not narcotics. A prayer for testing of the duplicate samples were made. Such prayer was allowed. The Chemical Analysis Report of the duplicate samples also returned a finding that the materials were negative so far as narcotics are concerned.

Consequently, in view of no narcotics being seized from the possession of the petitioner, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Considering the period of detention of the petitioner, 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 Judge, Special Court NDPS Act, Nadia, Krishnanagar, 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) 80 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

