

86 28.04.2022
AD Ct. No.29
(Allowed)

C.R.M. (NDPS) 79 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.30/2021 arising out of NCB Crime No. **07/NCB/KOL/2021** dated **13/02/2021** under Sections **25A/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Foyjul Hoque @ Foyjul Haque & Anr.
....petitioners.

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee
Mr. Sourav Mondal

...for the petitioners.

Mr. Kallol Mondal
Ms. Mary Datta

...for the NCB.

Petitioners seek bail.

Learned Advocate appearing for the petitioners submits that the petitioners are in custody since February 13, 2021. The police submitted charge sheet and, therefore, further detention of the petitioners are not required. He submits that Acetic Anhydride was claimed to be seized from the possession of the petitioners. It does not attract the provisions of Section 37 of the NDPS Act, 1985.

Learned Advocate appearing for the Narcotics Control Bureau submits that Acetic Anhydride which was seized from the possession of the petitioners is used for the purpose of manufacturing explosives as well as narcotics. He submits that there is no explanation on the part of the petitioners as to how the petitioners came to possess such quantity of Acetic Anhydride and, therefore, petitioners should not be enlarged on bail.

Considering the period of detention of the petitioners and

considering the fact that the Narcotics Control Bureau submitted the report in a final form as against the petitioners, we grant bail to the petitioners.

Accordingly, the petitioners be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each 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 the petitioners shall appear before the learned trial court on every date of hearing and that the petitioners shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail 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 prayer for bail of the petitioners is allowed.

Supplementary affidavit filed in Court be taken on record.

The application for bail being **C.R.M. (NDPS) 79 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)