

40
07.02.2022
(sourav)
Court No.29

CRM (NDPS) 81 of 2022

(Allowed)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **18.01.2022** Special Court (NDPS Act) Purba Bardhaman in connection with Special Case No. **51** of **2018** arising out of NDPS Case No. **02/NDPS/CL/CUS/BDNPU/2018** dated **31.08.2018** under Sections **8(b)** and **(C)** of the Narcotic Drugs and Psychotropic Substances Act, 1985 and punishable under Section **15(C)/29** of the NDPS Act.

And

In the matter of: **Sk. Johiruddin @ Sk. Kadam Ali @ Jahiruddin Sk.**
....petitioner.

Mr. Sanat Kumar Das
Mr. Sujan Chatterjee

...for the petitioner.

Mr. Bhaskar Prasad Banerjee

... for the Respondent.

Affidavit as called for from the customs authorities filed
in court be taken on record.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits
that the petitioner is in custody for 160 days. No narcotic was
recovered from the possession of the petitioner. The petitioner is
sought to be proceeded against on the basis of the statement of
the co-accused made while in custody.

Considering the fact that no narcotic was recovered from
the possession of the petitioner and considering the fact that the
petitioner is sought to be proceeded against on the basis of the
statement of the co-accused made while in custody, we are of
the view that the petitioner is able to overcome the restrictions
of Section 37 of the NDPS Act, 1985. The customs authorities
submitted report in the final form before the jurisdictional
court.

In such circumstances, 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 Special Court under NDPS Act, Purba Bardhaman, subject to the condition that during bail he shall appear before the learned trial court on every date of hearing and 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) 81 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

