

C.R.M. (NDPS) 233 of 2022

27 04.03.2022
AD Ct. No.29
(Allowed)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **N-Case No.171 of 2020** arising out of **Duttapukur** P.S. Case No.**614** dated **23/08/2020** under Sections **21(c)/29** of NDPS Act.

And

In the matter of: Saheb @ Saifuddin Molla

....petitioner.

Mr. Jayanta Narayan Chatterjee
Ms. Moumita Pandit
Ms. Nandini Chatterjee
Mr. Nazir Ahmed
Mr. Supreem Naskar

...for the petitioner.

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 557 days. The police submitted charge sheet. The petitioner is sought to be proceeded against on the basis of the statement of the accused made while in custody. No narcotic was recovered from the possession of the petitioner.

Learned Advocate appearing for the State submits a report which be taken on record. He submits that two vehicles were seized along the commercial quantity of narcotics. The police are yet to find any link between the vehicles seized and the petitioner.

Considering the fact that no narcotic was recovered from the possession of the petitioner and considering the fact that the petitioner was sought to be proceeded against on the basis of the statement of the accused while in custody, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985. Moreover, the police submitted charge sheet

and 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/- (Rupees Ten Thousand Only) 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, Barasat, North 24 Parganas subject to the condition that during bail the petitioner shall appear before the learned trial court on the date fixed till disposal of the trial and the petitioner 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) 233 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)