

**29.03.2022**

**Serial no. 45**

[Dd]

(Bail **allowed**)

**CRM(NDPS) 326 of 2022**

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure 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** for the violation of the provisions laid down under Sections **8(b) and (c)** of the Narcotic Drugs and Psychotropic Substances Act and punishable under Section **15(c)/29** of the Narcotic Drugs and psychotropic Substances Act.

-And-

**In the matter of : Sk Sahabuddin**

... .. Petitioner

*Mr. Sanat Kr. Das,*  
*Mr. Sujan Chatterjee, Advocates*  
... .. *For the Petitioner*

*Mr. Bhaskar Prasad Banerjee,*  
*Mr. A. Rajashree, Advocates*  
... ..*For the Customs*

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 116 days. The Customs Authorities submitted the report in final form with the jurisdictional Court. No recovery was made from the possession of the petitioner. The petitioner is sought to be proceeded against on the basis of the statement of the co-accused while in custody.

Learned advocate appearing for the Customs Authorities submits that the driver of the vehicle from where commercial quantity of narcotic was seized stated that the petitioner and another person took the vehicle from the driver to an undisclosed locality where narcotic was loaded. Essentially the Customs Authorities are proceeded against

the petitioner on the basis of the statement of the co-accused made while in custody. No narcotic was recovered from the possession of the petitioner. The Customs Authorities submitted report in the final form before the jurisdictional Court.

In the circumstances, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, considering the aforesaid and the period of detention of the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall 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, Purba Bardhaman** subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail of the petitioner is **allowed**.

CRM(NDPS) 326 of 2022 is **disposed of**.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**

