

04.04.2022

Serial no. 32

[Dd]

(Bail **allowed**)

CRM (NDPS) 337 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Hariharpara** Police Station Case No. **44 of 2022** dated **22.01.2022** under Sections **21(b)/29** of the Narcotic Drugs and Psychotropic Substances Act arising out of NDPS case No. **32/2022**.

-And-

In the matter of : Tujam Ansari @ Tujam Ali Ansari & Anr.

... .. Petitioners

Ms. Minoti Gomes,

Mr. Jisan Iqbal Hossain, Advocates

... .. *For the Petitioners*

Mr. Joydeep Roy,

Ms. Sujata Das, Advocate

... ..*For the State*

Petitioners seek bail.

Learned advocate appearing for the petitioners submits that the petitioners are in custody for 71 days. The police filed charge sheet and, therefore, further detention of the petitioners are not required. The quantity recovered is intermediate.

Learned advocate appearing for the State draws the attention of the Court to the statement of the accused recorded under Section 161 of the Criminal Procedure Code. He submits that 58 grams of heroin was recovered from the two petitioners.

Considering the fact that police filed charge sheet and considering the period of detention of the petitioners and considering the fact that quantity recovered from the

petitioners are intermediate, we are inclined to grant bail to the petitioners.

Accordingly, we direct that the petitioners shall 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 condition that the petitioners 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 petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioners in accordance with law without further reference to this Court.

The prayer for bail is **allowed**.

CRM (NDPS) 337 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)