

12.05.2022

Serial no. 32

[Dd]

(Bail **allowed**)

CRM (NDPS) 411 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Lalgola** Police Station Case No. **724** of **2021** dated **15.10.2021** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, arising out of NDPS case No. **215/2021**.

-And-

In the matter of : Hazrat Ali

... .. Petitioner

Ms. Minoti Gomes,

Mr. J. I. Hossain, Advocates

... .. For the Petitioner

Mr. Sarjyati Dutta, Advocates

... ..For the State

Report submitted in Court be taken on record.

In the present case the petitioner was arrested from the spot where contraband was seized. However, the signature of the petitioner was not obtained on the seizure list. It is the contention of the petitioner that the petitioner is not involved in the crime as no recovery was made from the possession of the petitioner.

Considering the fact that the name of the petitioner does not transpire from the seizure list although the petitioner was alleged to be arrested along with the other co-accuseds whose names appear in the seizure list and considering the period of detention of the petitioner, we are of the view that the petitioner is able to overcome the restriction under Section 37 of the NDPS Act, 1985.

Consequently, 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, Berhampore, Murshidabad** 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) 411 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)