

12.05.2022

Serial no. 34

[Dd]

(Bail **allowed**)

CRM (NDPS) 413 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. **717 of 2021** dated **01.10.2021** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, arising out of NDPS case No. **212/2021**.

-And-

In the matter of : Sademan @ Md. Sademan Ali & Anr.

... .. Petitioners

Ms. Minoti Gomes,

Mr. J.I. Hossain, Advocates

... .. *For the Petitioners*

Mr. Sudip Ghosh,

Mr. Apurba Kr. Dutta, Advocates

... ..*For the State*

Report submitted in Court be taken on record.
Learned advocate appearing for the State points out the typographical error in the report.

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

Considering the fact that the name of the petitioners do not transpire from the seizure list although the petitioners were 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 petitioners, we

are of the view that the petitioners are able to overcome the restriction under Section 37 of the NDPS Act, 1985.

Consequently, 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 of the petitioners is **allowed**.

CRM (NDPS) 413 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)