

10.06.2022
Sl. No.9
akd
[ALLOWED]

C. R. M. (NDPS) 569 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.05.2022 in connection with Hasnabad Police Station Case No. 09 of 2022 dated 07.01.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Kached Molla***

... .. Petitioner

Mr. Shashanka Shekhar Chowdhury

... .. for the petitioner

Mr. Swapan Banerjee

Mr. Suman De

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 85 days. It is further submitted that the seizure allegedly made on his leading statement was from an open place accessible to all.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record including the nature of allegations in the light of the submission that the seizure purportedly on the leading statement of the petitioner was from a place which is accessible to all. Petitioner was not a free agent and had been in custody since 07.01.2022 in connection with another case. In view of the aforesaid facts, possibility of false implication of the petitioner cannot be wholly ruled out. Under such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and may be granted bail.

Therefore, the accused/petitioner, namely ***Kached Molla***, be released on bail upon furnishing 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 the NDPS Act, 1985, Barasat, North 24-Parganas subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)