

13.07.2022
cm/ct 28
sl no. 2

C.R.M. (NDPS) No. 735 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with NCB Crime No. 18/NCB/KOL/2021 dated 01.06.2021 under Sections **8 (c)** read with Sections **25(A)/28/29/9(A)** of the NDPS Act.

And

Allowed

In Re : Md. Mostafa @ Mostafa Sk.

..... petitioner

Ms. Sreyashee Biswas
Mrs. Benajir Hasna

..... for the petitioner

Mr. Partha Chakraborty

..... for the NCB

Petitioner is in custody for 30 days. It is submitted that no narcotic substance was recovered from the petitioner.

Learned lawyer for the NCB submit petitioner did not cooperate with the investigation and he was absconding. Proclamation was issued against him. Prayer for bail of the co accuseds was rejected by coordinate Benches of this Court.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. Call detail records also do not show conversation between the petitioner and co-accuseds. Hence, petitioner does not stand on the same footing with co-accuseds whose bail prayer was rejected by this court. In view of the extent of complicity of the petitioner in the alleged crime, we are opinion he has been able to rebut statutory restrictions under Section 37 of the NDPS Act.

Under such circumstances, we are of the opinion though further detention of the petitioner in custody may not necessary,

his movement requires to be restricted in order to ensure his attendance during trial.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- 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 on further condition that while on bail petitioner shall remain within the jurisdiction of Lalgola police station except for the purpose of attending court proceedings. The petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event petitioner 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 being CRM(NDPS) No. 735 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)