

11.07.2022
Sl. No.6
akd
[ALLOWED]

C. R. M. (NDPS) 759 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.07.2022 in connection with Englishbazar Police Station Case No. 973 of 2022 dated 21.06.2022 under Sections 21(b)/29 of the NDPS Act.

And

In Re: ***Abdul Zabbar @ Abdul Jabbar***

... .. Petitioner

Mr. Mrityunjoy Chatterjee

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor

Mr. Bitasok Banerjee

... .. for the State

It is submitted on behalf of the petitioner he is in custody for about three weeks. It is further submitted no narcotic substance was recovered from the possession of the petitioner. Quantity of narcotic substance recovered from co-accused is 60 gms. of *Heroin*, which is of intermediate quantity.

Learned Public Prosecutor opposes the prayer for bail and submits petitioner and co-accused were dealing in narcotic substance.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner. Recovery from co-accused was of intermediate quantity i.e. 60 gms. of *Heroin*, which does not attract statutory restrictions under Section 37 of the NDPS Act. Keeping in mind the aforesaid fact and extent of complicity of the petitioner in the alleged crime, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Abdul Zabbar @ Abdul Jabbar***, 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, Malda 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.)