

03.01.2022

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Ct. No. 29
KAUSHIK
Allowed

C.R.M. 8842 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **AJC Bose B Garden** Police Station Case No. **65** of **2021** dated **26.05.2021** under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Arun Saha

..... petitioner

Mr. Imran Siddiqui

.....for the petitioner

Mr. Swapan Kumar Banerjee

Mr. Suman Dey

....for the State

Petitioner seeks bail.

Learned advocate for the petitioner submits that, although the police case was started against the petitioner for possessing commercial quantity of codeine mixture, the chemical examination report says that the material seized was 'saccharin' and 'dexchlorphenamine', which does not attract the provisions of the NDPS Act, 1985.

Learned advocate appearing for the State draws the attention of the Court to the chemical examination report of the materials seized from the possession of the petitioner.

Considering the fact that no narcotic was seized from the possession of the petitioner as appearing from the chemical examination report, we are of the view that the petitioner is able to rebut the presumption under the provisions of Section 37 of

the NDPS Act, 1985. Consequently, we grant bail to the petitioner.

Accordingly, we direct that the petitioner shall 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 Special Judge under NDPS Act, Howrah**, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)