

11.02.2022

14

Ct. No. 29

KAUSHIK

Allowed

C.R.M. 8948 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Karandighi** Police Station Case No. **50** of **2021** dated **01.02.2021** under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Akmal Hussain & Anr.

..... petitioners

Mr. Mujibar Ali Naskar

Md. Habibur Rahman

Ms. Saba Parveen

.....for the petitioners

Mr. Sanjoy Bardhan

Mr. Palash Chandra Majhi

....for the State

The application is taken up for consideration subsequent to the order dated January 27, 2022.

On January 27, 2022 noticing the fact that chemical report in respect of the contraband seized is negative so far as narcotic was concerned and noticing the fact that the police was taking a second opinion, the time was granted to the police to produce the second opinion.

Learned advocate appearing for the State submits that, the police obtained a second opinion from the Central Forensic Science Laboratory which reported by a writing dated January 28, 2022 that the contraband was not a contraband coming within the purview of NDPS Act, 1985.

Consequently, we are of the view that since no narcotics was seized from the possession of the petitioners, the petitioners are able to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, we grant bail to the petitioners.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- 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, Raigunj, Uttar Dinajpur**, 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.)