

21.09.2022
Sl. No.9
akd
[ALLOWED]

C. R. M. (NDPS) 1066 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.09.2022 in connection with Hasnabad Police Station Case No.467 dated 29.07.2021 under Sections 21(c)/29 of the NDPS Act and Section 14 of the Foreigners Act.

And

In Re: ***Palash Parvej @ Palash Parvej Molla***

... .. Petitioner

Md. Yunus Mondal
Mr. Pronojit Roy

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

... .. for the State

Leave is granted to the learned advocate-on-record for the petitioner to correct the prayer portion of the application in course of the day.

It is submitted on behalf of the petitioner that he is in custody for about one year. It is further submitted recovery of narcotic substance was from a vacant place accessible to all and was not witnessed by independent persons.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner is a conspirator. On his leading statement, narcotic substance above commercial quantity i.e. 1.665 kgs. of *codeine mixture* was recovered.

We have considered the materials on record. It is contended on the leading statement of the petitioner, narcotic substance was recovered. Seizure list and other materials on record show the place of recovery was an open space beside a bridge which is accessible to all.

Though seizure was made around 9:00 P.M., there is no independent witness to the recovery. In view of the aforesaid infirmities, 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 enlarged on bail.

Therefore, the accused/petitioner, namely ***Palash Parvej @ Palash Parvej 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-cum-Additional Sessions Judge, 6th Court, 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**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)