

03.11.2022  
Sl. No.3  
**akd**  
[ALLOWED]

**C. R. M. (NDPS) 1130 of 2022**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.09.2022 in connection with N-Case No.19 of 2022 arising out of NCB Crime No.06/NCB/KOL/2022 under Sections 8(c)/21(c)/20(b)(ii)(B)/25/28/29/54 of the NDPS Act.

And

In Re: ***Jahidul Dafadar @ Jahid***

... .. Petitioner

Mr. Soubhik Mitter  
Mr. Abhijit Singh  
Mr. Sikandar Ansari

... .. for the petitioner

Mr. Rajendra Banerjee

... .. for the NCB

It is submitted on behalf of the petitioner that he is in custody for more than 200 days. Investigation is complete. In view of the aforesaid change in circumstance, petitioner renews his prayer for bail.

Learned advocate appearing for the NCB opposes the prayer for bail and submits telephonic conversations were recorded between the petitioner and co-accused from whom narcotic substance above commercial quantity was recovered.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner. Apart from telephonic conversations, no other incriminating material has been collected in course of investigation. Prayer for bail of the petitioner was rejected earlier in view of the fact that investigation was in progress. Presently, investigation is complete. In view of the aforesaid change in circumstance and as the only slender material relied upon by the prosecution to prove complicity of the petitioner are telephonic conversations between him and co-accused, we are of the opinion that

the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and he may be enlarged on bail.

Therefore, the accused/petitioner, namely ***Jahidul Dafadar @ Jahid***, 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, 6<sup>th</sup> 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 any 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.)**