

24.11.2022
Sl. No.3
akd
[ALLOWED]

C. R. M. (NDPS) 1353 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.11.2022 in connection with Belur GRPS Case No. 09 of 2022 dated 20.07.2022 under Sections 20(b)(ii)(B)/29 of the NDPS Act.

And

In Re: ***Mosaraf Hossain @ Mosarof Hossain***
... .. Petitioner

Mr. Mrityunjoy Chatterjee
Md. Sabbir Biswas
... .. for the petitioner

Mr. T. D. Nandy
Mr. Antarikhya Basu
... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 125 days. Investigation is complete.

Report is placed on record. It appears from the report narcotic substance i.e. 18.73 kgs. of *Ganja* was seized from the joint possession of petitioner and co-accused.

We have considered the materials on record. Quantity of narcotic substance recovered from the joint possession of the petitioner and co-accused is to the tune of 18.73 kgs. of *Ganja*, which is below commercial quantity. In view of the aforesaid fact, period of detention suffered by the petitioner and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Mosaraf Hossain @ Mosarof Hossain***, 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 District Judge, Howrah 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.)