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Allowed

C.R.M. (NDPS) No. 1448 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NCB Crime No. 08/NCB/KOL/2022 dated 23.02.2020 violation of prohibition under Sections 8(c)/9(A) of the N.D.P.S. Act and liable for punishment under Sections 22(c)/25(A)/28/29 of the N.D.P.S. Act.

And

In Re : Abdul Salim Malek petitioner

Mr. Mazhar Hossain Chowdhury

Ms. Mobashshara Alam

.....for the petitioner

Mr. Kallol Mondal

Mr. Uttam Basak

.....for the NCB

Learned Counsel appearing for the petitioner submits he is in custody for 204 days. Co-accuseds are on bail.

Learned Counsel appearing for the NCB submits one of the samples tested positive. There are telephonic conversations between the petitioner and the co-accuseds.

We have considered the materials on record. Three out of four samples tested negative. Even if the sample which tested positive is taken into consideration, quantity of narcotic substance recovered from the possession of the accuseds cannot be said to be above commercial quantity.

Under such circumstances and as co-accuseds are on bail, we are inclined to 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 Judge, Special Court Bench-I (under NDPS Act), City Sessions Court, Calcutta, subject to conditions that he 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.

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 in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)