

02.09.2022

Sl. No.3

akd

[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (NDPS) 265 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 31.08.2022 in connection with Rajganj Police Station Case No. 322 of 2022 dated 25.05.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.67 of 2022)

And

In Re: ***Rasid Ali & Anr.***

... .. Petitioners

Mr. Joydeep Kanta Bhowmick

... .. for the petitioners

Mr. Nilay Chakraborty

Mr. Sourav Ganguly

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about 60 days. It is further submitted no narcotic substance was recovered from the possession of the petitioners and they have been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioners have criminal antecedents.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioners and their complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. No other incriminating material is produced before us against the petitioners. Under such circumstances, we are of the opinion that the petitioners have been able to rebut the statutory restrictions under Section 37 of the NDPS Act. In view of the aforesaid fact and the period

of detention suffered by the petitioners, we are of the opinion further detention of the accused/petitioners is not necessary.

Therefore, the accused/petitioners, namely **(1) Rasid Ali & (2) Jafar Ali**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, 1st Court, Jalpaiguri subject to condition that the said petitioners 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 and on further condition that the petitioners shall meet the Officer-in-charge, Rajganj Police Station once in a week until further orders.

In the event they fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)