

31.03.2023.
21.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 616 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection Special Case No.17 of 2023 arising out of Kaliachak P. S. Case No.116 of 2023 dated 02.02.2023 under Sections 27A/29 of the NDPS Act.

In the matter of : Jasimuddin Ahmed @ Alam & Anr.
.... Petitioners.

Mr. Mrityunjoy Chatterjee,
Mr. R. R. Kumar,
Mr. Debapriya Majumder.
...for the Petitioners.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.
...for the State.

Petitioners are in custody for 55 days. They submit no narcotics was recovered. They pray for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner is involved in financing narcotic trade. Rs.33 lakhs were recovered from his possession.

We have considered the materials on record. A large volume of unaccounted cash was recovered. Recovery gave rise to suspicion and arrest. Though petitioners are in custody for 55 days, there is no development in investigation to indicate that cash was proceeds of narcotic trade. Money trail with dealers in narcotics have also not been traced out.

Under such circumstances, petitioners have made out a case to rebut statutory restrictions under Section 37 of the NDPS Act and may be released on bail.

Accordingly, the petitioners viz., Jasimuddin Ahmed @ Alam and Md. Rabiul Islam @ Rabbi shall be released on bail upon furnishing a bond of Rs.10,000/- each 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, Malda subject to condition that they 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 the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)