

19.04.2023
Sl. No.4
akd
[ALLOWED]

C. R. M. (NDPS) 690 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.03.2023 in connection with Mandir Bazar Police Station Case No.315 of 2022 dated 22.08.2022 under Section 21(c) of the NDPS Act. (NDPS Case No.61 of 2022)

And

In Re: **Sarfuddin Laskar**

... .. Petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mr. Saryati Datta

... .. for the State

Heard the learned Advocates appearing for both the parties.

We have considered the materials on record. Electronic evidence on record shows certain irregularities in the matter of recovery and weighing of samples. In view of the aforesaid materials and nature of accusation, we are of the opinion petitioner has been able to make out a robust defence which would rebut the statutory restrictions under Section 37 of the NDPS Act. Under such circumstances, we are inclined to grant bail to the petitioner.

Therefore, the accused/petitioner, namely **Sarfuddin Laskar**, 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, 4th Court, Alipore, South 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.)