

06.07.2023

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Allowed

C.R.M. (NDPS) No. 1219 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hogalberia Police Station Case No. 265 of 2022 dated 18.08.2022 under Sections 21(c) of the N.D.P.S. Act.

And  
In Re : Moslem Ali Khan ..... petitioner

Mr. Asraf Mandal  
.....for the petitioner

Mr. Saryati Datta  
.....for the State

Heard the learned Counsel for the parties.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. Apart from telephonic communications as appearing from the CDRs collected during investigation no other legally admissible materials connecting the complicity of the petitioner in the crime has been produced. Contents of the conversation are not placed on record.

Keeping in mind the scanty nature of evidence collected against the petitioner, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and he may be granted bail.

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 under NDPS Act, Krishnagar at Nadia, 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.)**