

30.08.2023.

11.

Ct.No.28.

as

(Allowed)

**C.R.M. (NDPS) 1416 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.35 of 2022 arising out of NCB Crime No.20 of 2022 under Sections 8(c) read with Sections 15(c)/18(A)/29/35/54 of the NDPS Act.

In the matter of : Md. Sanaur.

.... Petitioner.

Mr. Kusal Kr. Mukherjee,  
Mr. Diptangshu Basu.

...for the Petitioners.

Mr. Arun Kr. Maiti (Mohanty),  
Mr. Ritam Roy.

...for the NCB.

1. Inadvertent error had crept into the order dated 21.08.2023.
2. In the second line of the first paragraph of the order dated 21.08.2023, the words 'i.e. 350 grams of poppy straw' shall be read as 'i.e. 350 grams of opium'.
3. Other portions of the order shall remain the same.
4. Department is directed to incorporate necessary correction in the order.
5. Corrected certified copy of the order be handed over to the parties upon submission of the certified copy, if any, already issued to them.
6. Report is placed on record.
7. We have considered the materials on record. Amount of narcotics recovered is below commercial quantity. He is in

custody for over 358 days. Restrictions under Section 37 of the NDPS are not attracted in the facts of the case.

8. Under such circumstances, we are inclined to grant bail to the petitioner.

9. Accordingly, the petitioner viz., Md. Sanaur 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, Bench-I, NDPS Act, City Sessions Court, Calcutta-cum-Special Judge, City Sessions Court, NDPS Act, Calcutta subject to condition 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.

10. In the event the petitioner 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.

11. This application for bail is, thus, disposed of.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**