

06.12.2023

Serial no. 56

[Dd]

(Bail **allowed**)

CRM (NDPS) 1933 of 2023

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Jagacha** Police Station Case No. **173 of 2023** dated **25.08.2023** under Sections **20(b)(ii)(B)** of the Narcotic Drugs and Psychotropic Substances Act, 1985. (T.R. Case No. 27 of 2023).

-And-

In the matter of : Mijarul Sk. & Anr.

... ... Petitioners

Mr. Arnab Chatterjee, Advocate

... ... For the Petitioners

Mr. Antarikhya Basu, Advocate

... ...For the State

Petitioners pray for bail.

Learned advocate appearing for the petitioners submits that the petitioners are in custody in excess of 101 days. He contends that the petitioners were falsely implicated. In any event, intermediate quantity of narcotic was claimed to be seized from the joint possession of the petitioners.

Learned advocate for the State draws the attention of the Court to the materials in the case diary including confessional statement made by the petitioners.

Apparently, intermediate quantity of narcotic was seized from the joint possession of the petitioners. Therefore, the provisions of Section 37 of the NDPS Act, 1985 are not attracted.

Considering the period of detention of the petitioners and the materials in the case diary, we are inclined to grant bail to the petitioners.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a 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 Judge, Special Court under NDPS Act, Howrah** subject to condition that the petitioners shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioners shall meet the Investigating Officer once in a week till conclusion of the investigations.

In the event, the petitioners fail to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without further reference to this Court.

The prayer for bail of the petitioners is **allowed**.

CRM (NDPS) 1933 of 2023 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)