

AD-35
Ct No.01
Jalpaiguri
12.09.2023
SP

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (NDPS) 587 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.08.2023 in connection with Kotwali Police Station Case No. 209 of 2022 dated 08.04.2022 under Section 22(C)/28/29 of the NDPS Act, corresponding to NDPS case No.41 of 2022.

And

In the matter of: SAHABUDDIN ALI @ BABU

.... petitioner

Mr. Sourav Ganguly,
Mr. Swarup Das
Mr. Gopal Roy

... for the petitioner

Mr. Sagnik Sarkar Sikdar

... for the State

1. The petitioner suffers from Stage III Carcinoma, as evident from the medical report annexed to the petition. Although there is a presumption against bail under Section 37 of the NDPS Act, keeping in view the physical and medical condition of the petitioner, we are inclined to grant bail on humanitarian grounds.
2. In such view of the matter, CRM (NDPS) 587 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Special Court NDPS Jalpaiguri.

3. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend each and every date of trial.
4. Further, the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)