

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

11.01.2023
Court No.1
(D/L 15)
(SKB)

CRM (NDPS) 440 OF 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Siliguri P. S. Case No.174 of 2022 dated 05.02.2022 under Sections 2(C) of the N.D.P.S. Act, 1985.

And

In the matter of: **Md. Zabir Ali**

... Petitioner.

Mr. Uday Sankar Chattopadhyay,
Mr. Joydeep Kanta Bhowmik,
Mr. Santanu Majhi

... for the petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Biswarup Roy

... for the State.

This matter has been transferred to the Circuit Bench pursuant to a direction of a co-ordinate Bench dated 21st December, 2022. The coordinate Bench also directed the chemical report to be filed on the returnable date.

The chemical examination report has been placed before us. The results of the examination indicate that a certain quantity of narcotic substance was detected in exhibit A1 of the exhibits, no NDPS substance was detected in exhibit B1. These were the two exhibits which are mentioned in the Report of the Siliguri Police Station.

Since the Chemical Examination Report clearly states that one of the bags did not contain any narcotic substance, the total quantity seized falls below the commercial quantity.

We are hence inclined to grant prayer for bail.

We accordingly, direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(rupees ten thousand only) with two sureties each of like amount, one of who must be local to the satisfaction of the learned Judge, Special Court (NDPS Act), Siliguri. The petitioner shall not leave the jurisdictional area of the local police station and shall also make himself available before the concerned court and the police station whenever required for investigation and questioning. The petitioner shall also make himself available before the trial court on every date of hearing whenever required and shall not intimidate any witnesses or tamper with any evidence in any manner whatsoever.

C.R.M.(NDPS) 440 of 2022 is accordingly allowed and disposed of in terms of the above.

(SIDDHARTHA ROY CHOWDHURY, J.) (MOUSHUMI BHATTACHARYA, J.)