

AD-13
Ct No.01
Jalpaiguri
01.02.2023
TN

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

CRM (NDPS) 455 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **23.12.2022** in connection with **C.R. (NDPS) Case No. 168 of 2022** arising out of **Matigara** Police Station Case No. **1286** of **2021** dated **12.11.2021** under Section **21(C)** of the **NDPS Act, 1985**.

And

In the matter of: **Md. Basimuddin @ Md. Basiruddin**

.... petitioner

Mr. Hillol Saha Podder,
Ms. Mousumi Das

... for the petitioner

Mr. Nilay Chakraborty,
Ms. Namrata Das

... for the State

The petitioner seeks bail on the ground that the petitioner is already in custody for 1 year and 2 months and at the time of apprehension was only in possession of 30 bottles of cough syrup.

As such, it is submitted that there is sufficient doubt which might vitiate the presumption cast under Section 37 of the NDPS Act.

Learned counsel appearing for the State opposes the said prayer of bail.

We find sufficient materials on the basis of the submissions and the materials annexed to the petition to grant bail to the petitioner.

Accordingly, CRM (NDPS) 455 of 2022 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes 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), Second Court at Siliguri.

The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend the trial on each and every date.

The petitioner, further, shall not 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.)

(Rai Chattopadhyay, J.)