

05.03.2024.
28.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 432 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.9 of 2022 arising out of Jhargram P.S. Case No.330 of 2022 dated 04.11.2022 under Sections 21(C)/29 of the NDPS Act.

In the matter of : **Sk. Sabbir Ali @ Sabbir Ali.**

.... Petitioner.

Mr. Pravas Bhattacharyya.

...for the Petitioner.

Mr. Avishek Sinha.

...for the State.

1. Petitioner is in custody for more than 160 days. He submits no narcotics was recovered from his possession. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits trial is in progress. Petitioner has criminal antecedents.

3. We have considered the materials on record. No narcotics was recovered from his possession. His complicity has transpired from the statement of co-accused before police officer which is inadmissible in evidence. There is also no recovery of narcotics in the other cases registered against the petitioner. Possibility of false implication cannot be ruled out.

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

5. Accordingly, the petitioner viz., **Sk. Sabbir Ali @ Sabbir Ali** 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, Special Court under the N.D.P.S. Act, Jhargram 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 or commit similar offences in future.

6. In the event 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.

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)