

03.04.2024.
09.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 578 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N. Case No.36 of 2023 arising out of Baduria P.S. Case No.321 of 2023 dated 28.05.2023 under Sections 21(C)/29 of the NDPS Act.

In the matter of : **Md. Ali Gazi @ Ali Gazi @ Mohammed Ali Gazi.**

.... Petitioner.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha.

...for the Petitioner.

Mr. Bitasok Banerjee,
Mr. Debarshi Bramha.

...for the State.

1. Petitioner contends no narcotics was recovered from his possession. He has been falsely implicated. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits narcotics was recovered from his son. Petitioner has criminal antecedents and is involved in another narcotics case.

3. We have considered the materials on record. No narcotics was recovered from petitioner. His complicity has transpired from statement of co-accused before police officer which is inadmissible in evidence.

4. Under such circumstances, we are of the opinion he has been able to rebut statutory restrictions under Section 37 of the N. D. P. S. Act and may be enlarged on bail.

5. Accordingly, petitioner viz., **Md. Ali Gazi @ Ali Gazi @ Mohammed Ali Gazi** 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, Barast, North 24-Paraganas 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.

(Gaurang Kanth,J.)

(Joymalya Bagchi, J.)