

48. 12.06.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 836 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with NDPS Case No. **N 18 of 2022** arising out of **Hingalganj Police Station Case No. 19 of 2022**, dated **06.02.2022** under Sections **20(b)/29** of the NDPS Act, 1985 and Sections **14/14C** of the Foreigners Act.
And

In the matter of: - **Jakir Hossain @ Jakir Hosen Tarafder**

...petitioner.

Mr. Kallol Kumar Basu, Adv.,
Mr. Md. Jannatul Firdous, Adv.

...for the petitioner.

Ms. Sujata Das, Adv.,
Ms. Ankita Pal, Adv.

...for the State.

Allegedly 6.2 Kgs. of *ganja* (intermediate quantity) was recovered from co-accused persons who have been granted bail. The petitioner says that nothing was recovered from him. The only allegation against him is that he had harboured the said two persons and he was in cahoots with them. The petitioner has been in custody for 66 days. The petitioner prays for bail.

Learned Advocate for the State admits that the co-accused persons have been granted bail.

Since the bar of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, would not apply and on an overall consideration of the material on record and the possible extent of complicity of the petitioner in the alleged crime, we are inclined to allow this application for bail.

Accordingly, we direct that the petitioner, namely, **Jakir Hossain @ Jakir Hosen Tarafder**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Twenty Five Thousand) with two registered sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District & Sessions Judge, 6th Court (under NDPS Act) Barasat, North 24-parganas, subject to condition that the present petitioner shall appear before the learned Trial Court on each date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973. The petitioner shall remain within the jurisdiction of the learned Trial Court till conclusion of trial unless such conditions have been relaxed by the learned Trial Court.

In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the learned Trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being CRM (NDPS) 836 of 2024 is accordingly disposed of.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)