

21. 08.07.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1038 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with NDPS Case No. **44 of 2024** arising out of **Swarupnagar Police Station Case No. 262 of 2024**, dated **12.05.2024** under Sections **21(b)** of the NDPS Act, 1985.

And

In the matter of: - **Anichur Molla**

...petitioner.

Mr. Mazahar Hossain Chowdhury, Adv.

...for the petitioner.

Mr. Debabrata Chatterjee, Adv.,

Ms. Debadrita Mondal, Adv.

...for the State.

Leave is granted to learned Advocate-on-record for the petitioner to correct the cause title of the bail petition.

Intermediate quantity of *yaba* tablets was allegedly seized from this petitioner. He says that he is in custody for 55 days. Investigation is complete. Charge-sheet has been filed. He prays for bail.

Learned Advocate for the State, opposes the prayer for bail and says that another accused person is absconding.

Since the recovery from this petitioner was of intermediate quantity, the restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, will not apply. Investigation is complete. Therefore, we are inclined to allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely, **Anichur Molla**, shall be released on bail upon furnishing a bond

of Rs.25,000/- (Twenty Five Thousand) 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) Barasat, North 24-Parganas, subject to condition that the present petitioner shall appear before the learned Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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) 1038 of 2024 is accordingly allowed and disposed of.

Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)