

38. 03.07.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1041 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with NDPS Case No. **04 of 2024** arising out of **Asansol (North) Police Station Case No. 159 of 2024**, dated **24.03.2024** under Sections **21(b)/29** of the NDPS Act, 1985.

And

In the matter of: - **Sk. Jahir & Anr.**

...petitioners.

Mr. Asraf Mondal, Adv.,
Mr. Md. Bani Israil, Adv.

...for the petitioners.

Mr. Atif Ahmed Siddiqui, Adv.

...for the State.

The petitioners are two out of four accused persons. They say that allegedly intermediate quantity of heroin was recovered from them. Charge-sheet has been filed upon completion of investigation. They pray for bail.

Learned Advocate for the State, while opposing the prayer for bail, points out in his fairness that the other two accused persons have been granted bail since nothing was recovered from them. Moreover, investigation is complete.

We are told that the petitioners are in custody for 101 days. Since commercial quantity of contraband is not involved, the restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, will not apply.

Considering that the petitioners have been in custody for more than 100 days and investigation is complete, we see no justification in detaining the petitioners in custody any further.

Accordingly, we direct that the petitioners, namely, **1. Sk. Jahir, 2. Mir Samad @ Badal**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Twenty Five Thousand) each with two registered sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special 3rd Court (under NDPS Act) Asansol, Paschim Bardhaman, 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, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

The application for bail being CRM (NDPS) 1041 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.)