

27.
24-07-2024
(ct. no.28)
debajyoti
(allowed)

CRM (NDPS) 1142 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure (Corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita) in connection with Madhyamgram Police Station Case No.463 of 2023 dated 28-07-2023 under Sections 20(b)/25 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Mostafa Ali alias Babu

.... Petitioner.

Mr. Angshuman Chakraborty,
Mr. Shashanka Shekhar Saha

... For the Petitioner.

Mr. Sujan Chatterjee

... For the State.

Dictated by Arijit Banerjee, J.

The petitioner is in custody for more than ten months. He says that there was no recovery from him. He has been implicated solely on the basis of the statements made by co-accused persons. He prays for bail.

While opposing the prayer for bail, learned advocate for the State, draws our attention to the material in the Case Diary including the seizure list. Learned advocate also relies on the Call Detail Records pertaining to the petitioner's mobile phone.

It appears that there was, in fact, no seizure from this petitioner. *Prima facie*, there does not appear to be any material connecting the petitioner's vehicle which apparently was in the vicinity of the godown from where the contraband item was seized, with the commercial quantity of *Ganja*.

On an overall assessment of the material on record, we are of the opinion that the petitioner has been able to

dilute the restrictions of Section 37 of the NDPS Act. Hence, we are inclined to allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely, **Mostafa Ali alias Babu**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Sessions Judge, 6th Court, Barasat, North 24 Parganas. The petitioner shall appear before the trial Court on every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not leave the jurisdiction of the local police station except for the purpose of attending the court proceedings and shall report to the Officer-in-Charge of the said police station once in a week, until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (NDPS) 1142 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

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

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)