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26-09-2024  
(ct. no.28)  
S. De  
(Allowed)

## CRM (NDPS) 1206 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, 2023, in connection with **Chapra Police Station Case No. 4 of 2024, dated 03.01.2024** under Sections **21(C)** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

**In the matter of : Hameed Shaikh.**

.... Petitioner.

Mr. Soubhik Mitter,  
Mr. Snehansu Majumder,

... For the Petitioner.

Mr. Joydeep Roy,  
Mr. Soham De Dhara,

... For the N.C.B.

### Order dictated by Apurba Sinha Ray, J.

1. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The seizure list does not show the contraband articles were seized from him. He is in custody for about 9 months. Investigation is complete and there is no need for further custodial detention.
2. Learned advocate for the State opposes the prayer for bail. According to him, initially, the Border Security Force seized contraband articles from the petitioner and, thereafter, the petitioner along with seized articles were handed over to the concerned local police station and thereafter again another seizure list was prepared by the concerned officer of that local police station. There is sufficient incriminating evidence against the present petitioner and as such the prayer for bail should be rejected.

3. We have gone through the material-on-record and we find that there are two seizure lists, one was prepared by the Border Security Force authority and another was prepared by the concerned Investigating Officer of this case. However, it appears that no signature was obtained from the petitioner showing that the contraband articles were seized from him. The investigation is complete and there is no chance of early conclusion of the trial. We find merits in the submission of the learned counsel for the petitioner. In view of the above, the petitioner has been able to rebut the presumption under Section 37 of the N.D.P.S. Act, 1985. In view of the above, the prayer for bail is allowed.
4. Accordingly, we direct that the petitioner, namely, **Hameed Shaikh** shall be released on bail upon furnishing a bond of Rs. 25,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court (under the NDPS Act), Krishnanagar, Nadia and on further conditions that he shall not leave the jurisdiction of the Krishnanagar police station under the district of Nadia except for attending court proceeding and shall report to the Officer-in-Charge of the concerned police station once in a week until further orders.
5. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall

be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

7. The application for bail is, accordingly, allowed.

8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**( Apurba Sinha Ray, J. )**

**( Arijit Banerjee, J. )**