

16. 07.08.2024  
Court  
No.6 (Tanmoy)

Allowed

CRM (NDPS) 1238 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/ Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Tehatta** Police Station Case No. **203/2023**, dated **14.03.2023** under Sections **21(c)/29** of the NDPS Act, 1985. Charge-sheet no. 674/2023 dated 06.09.2023 under Sections **21(c)/29** of the NDPS Act, 1985.

And

In the matter of: - **Nasim Sk. @ Nasir Sk @ Sheikh**

...petitioner.

Ms. Shabana Hasin  
Ms. Samima Akter

...for the petitioner.

Mr. Bibaswan Bhattacharya  
Ms. Srilekha Chattopadhyay

...for the State.

1. Learned lawyer for the petitioner submits petitioner is in custody for 60 days. He contends no narcotics was recovered from his possession. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer and submits petitioner had absconded for a considerable period of time. Trial is in progress.
3. We have considered the materials on record. Complicity of petitioner has transpired on the strength of statement of co-accused before police officer, which is inadmissible in law. It is contended CDRs show telephonic conversation between the petitioner and co-accused from whom narcotics was recovered but contents of conversation are not known.
4. In view of slender materials on record implicating the petitioner, we are of the opinion petitioner has been able to

rebut the statutory restrictions under Section 37 of the NDPS Act and he may be released on bail.

5. Accordingly, we direct the petitioner, namely, **Nasim Sk. @ Nasir Sk @ Sheikh** shall be released on bail upon furnishing a bond of Rs.10,000/- 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, Nadia at Krishnagar subject to condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall meet the Officer-in-charge of Tehatta police station once in a week, until further orders.
6. In the event petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his bail without any further reference to this Court.
7. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)