

7.
02-12-2024
(ct. no.29)
debajyoti
(allowed)

CRM (NDPS) 1435 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Hanskhali Police Station Case No.159 of 2023 dated 17-02-2023 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act and under Sections 13/14 of Foreigners Act read with Section 11D of the Prevention of Cruelty to Animals Act.

- A n d -

In the matter of : Naser Dhali

.... Petitioner.

Mr. Tapodip Gupta

... For the Petitioner.

Mr. Iqbal Kabir,
Mr. Santanu Talukdar

... For the State.

Dictated by Arijit Banerjee, J.

1. Report filed by the State be kept with the records.
2. There was no recovery of contraband items from this petitioner. He has been implicated on the basis of statements made by co-accused persons. Charge sheet has been filed upon completion of investigation. The petitioner prays for bail.
3. While opposing the prayer, learned State advocate says that this petitioner has criminal antecedents. The

petitioner, however, tells us that he has been acquitted in the criminal cases initiated against him.

4. In view of the aforesaid, we are of the opinion that the restriction in Section 37 of the NDPS Act stands diluted. We, therefore, allow the petitioner's prayer for bail.

5. Accordingly, we direct that the petitioner, namely, **Naser Dhali**, 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 Judge, Special Court, NDPS Act, Nadia, Krishnanagar. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of local police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the said Police Station once in a week, until further orders.

6. 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.

7. The application for bail is, thus, **allowed**.

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

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)