

16.01.2024  
Sl. No.10  
**akd**  
[ALLOWED]

**C. R. M. (NDPS) 2044 of 2023**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.12.2023 in connection with Jhargram Police Station Case No.304 of 2022 dated 08.10.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No. 7 of 2022)

And

In Re: **Sk. Sabbir**

... .. Petitioner

Mr. Pravas Bhattacharyya

... .. for the petitioner

Mr. Sujan Chatterjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about four months. It is further submitted no narcotics was recovered from his possession. It is also submitted he has been falsely implicated in the instant case. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner has criminal antecedents.
3. We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner and his complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. In view of the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.
4. Therefore, the accused/petitioner, namely **Sk. Sabbir**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand

only), 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-cum-Additional Sessions Judge, 1<sup>st</sup> Court, Jhargram subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Jhargram Police Station except for the purpose of attending court proceedings and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall meet the Officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders.

5. In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**