

14.11.2024
Item no. 25.
Court No.1.
AB
(Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (NDPS) 450 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No.33 of 2023 under Sections 21(c)/25/29 of the NDPS Act

And

In the matter of : Maheboob @ Mehboob

.....Petitioner.

Mr. H. S. Poddar,
Ms. Mousumi Das for the Petitioner.

Mr. Ratan Banik
Mr. Bishwa Raj Agarwal
Mr. Saptarshi Banik for the Custom Authority.

Dictated by Arijit Banerjee, J.

1. The petitioner says that there was no recovery of contraband items from him. He has been implicated on the basis of statements made by co-accused persons. All other accused persons, including the persons from whom contraband items were seized, have been enlarged on bail. He is in custody for 140 days. He prays for bail.
2. Opposing the prayer, learned Counsel for Custom Authorities says that although there was no recovery of contraband items from the possession of the petitioner,

the allegation is that he is the main supplier of phensedyl containing codeine phosphate. He says that there is sufficient incriminating material against the petitioner.

3. We have considered the material in the case diary. The persons, from whom recovery was made, are on bail. There was admittedly no recovery from this petitioner. He is in custody for 140 days. Hence, we are inclined to allow this application.
4. Accordingly, we direct that the petitioner, namely **Maheboob @ Mehboob** shall be released on bail upon furnishing a bond of Rs.25,000/-, with two sureties of Rs.12,500/-each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, 1st Court, Cooch Behar, and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight 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 and/or commit any cognizable offence 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.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)