

26.03.2025
Item no. 32.
Court No.29.
AB
(Allowed)

CRM (NDPS) 276 of 2025

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 Rabindranagar Police Station Case No.355 of 2024 Dated 15.07.2024 under Section 21C of the NDPS Act

And

In the matter of : Md. Parvez **.....Petitioner.**

Mr. Soumya Nag,
Mr. Aditya Tiwarifor the Petitioner.

Mrs. Amita Gour
Mr. Rajesh Janafor the State.

Dictated by Apurba Sinha Ray, J.

1. Status report filed on behalf of the State, be kept with the records.
2. Learned Counsel for the petitioner has submitted that the petitioner is in custody for about seven months. Investigation is complete and there is no need for further custodial detention of the petitioner in this case. Learned Counsel for the petitioner has drawn our attention to the order dated 26.04.2022 in NDPS Case No.88 of 2021 passed by learned Judge, Special Court under the NDPS Act, Alipore, South 24 Parganas, wherein the learned Judge has categorically observed that several NDPS cases have been initiated against the present petitioner on false implication. In this case also, the petitioner has been falsely implicated by being shown him 'arrested'.

3. Learned Counsel for the State vehemently opposes the prayer for bail. According to her, there are sufficient incriminating materials against the petitioner. The first information report as well as charge sheet contains specific allegation against him.
4. We have considered the materials on record. It transpires from order dated 26.04.2022 passed by the learned Judge, Special Court under the NDPS Act at Alipore, South 24 Parganas that the present petitioner has been falsely implicated in several NDPS cases. Not a single conviction order has been passed against him. The charge sheet shows that in one of such cases he has already been acquitted. Insofar as this case is concerned, it appears that nothing was recovered from the petitioner. However, as per his alleged leading statement, some contraband articles were recovered. However, as the investigation is complete and there is no conviction order in respect of the present petitioner in spite of the fact that a good number of cases is filed against him, in our view, the petitioner has been able to tide over the restrictions in Section 37 of the NDPS Act.
5. Hence, we are inclined to allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely **MD. PARVEZ** 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 Judge, Special Court under the NDPS Act at

Alipore, South 24 Parganas, and on further conditions that he shall not leave the jurisdiction of Maheshtala Police Station except for the purpose of attending Court proceeding and shall report to the Officer-in-Charge/ Inspector-in-Charge of Maheshtala Police Station twice in a week until further orders.

7. 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.
8. 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.
9. The application for bail is, accordingly, allowed.
10. 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.)

