

CRM (NDPS) 2019 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Asansol (North) Police Station Case No. 477 of 2024 dated 01.10.2024 under Sections 21(b)/25/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Md. Tasvir Ansari @ Md. Tasvir Answari @ Taj.

.... Petitioner.

Mr. Avik Ghatak,

Mr. F. Imam,

... For the Petitioner.

Ms. Amita Gaur,

Ms. Sana Naaz,

... For the State.

Order dictated by Arijit Banerjee, J.

1. Allegedly, 81.9 grams of Heroin (intermediate quantity) was seized from the accused persons including this petitioner. He is a handicapped person. He does not have one leg. Investigation is complete. Chargesheet has been filed. Charge has been framed. The next date fixed by the learned Trial Court is February 28, 2025. He prays for bail on such condition as this Court may decide.

2. Learned State advocate opposes the prayer for bail. She says that there is enough incriminating evidence against this petitioner. However, she obviously does not dispute that the rigors in Section 37 of the NDPS Act are not attracted in this case.

3. On an overall consideration of the facts and circumstances of the case and given the fact that investigation is complete, we are of

the view that further custodial detention of the petitioner is not necessary.

4. Accordingly, we direct that the petitioner, namely, **Md. Tasvir Ansari @ Md. Tasvir Ansari @ Taj** 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), Asansol, Paschim Bardhaman, subject to the condition that the petitioner shall remain within the jurisdiction of the Asansol (North) Police Station and shall meet the Officer-in-Charge/Inspector-in-Charge of the Asansol (North) 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 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)