

26.10.2023

**Court No.8
(D/L 02)
(AK)**

CRM (NDPS) 1766 OF 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 25.10.2023 in connection with Katwa Police Station Case No.787 of 2022 dated 16.10.2022 under Sections 21(c)/27A/25/29 of the N.D.P.S. Act, 1985.

And

In the matter of: **Nasib ali @ Shangom Sumpah Nasib Ali
@ Nasheer Ali**

... Petitioner.

Mr. Souvik Mitra
Mr. Kalyan Kumar Bhattacharjee

... for the petitioner.

Mr. Arijit Ganguly
Mr. Pratik Bose

... for the State.

The only evidence shown to the court relates to currency notes amounting to approximately Rs.14 lakhs being recovered from the petitioner. The petitioner's name cropped up from a statement made by a co-accused. There is no evidence on record to show that the petitioner was either present at the scene of the offence or any contraband substances being recovered from the petitioner's possession.

This is the first time that the petitioner has applied for bail; the last order dated 11.08.2023 shows that the petitioner did not wish to press the application for bail.

Considering the material in the case diary, we are inclined to allow the application for bail.

We are therefore of the view that the bar under Section 37 of the NDPS Act, 1985 is not applicable in the present case.

We accordingly, direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand only) with two sureties each of like amount, one of who must be local and to the satisfaction of the learned CJM, Purba Bardhaman. The petitioner shall not induce witnesses or influence them or tamper with evidence. The petitioner shall also make himself available for the trial as and when the petitioner is required and shall also not leave the jurisdiction of the concerned police station without leave of the concerned authorities.

C.R.M.(NDPS) 1766 of 2023 is accordingly allowed and disposed of in terms of the above.

(BIBHAS RANJAN DE, J.)

(MOUSHUMI BHATTACHARYA, J.)