

JO Code No. WB00885
T. R Case No. 13 of 2023

Order No. 10 Dated: 09-08-2023

Today is fixed for hearing of the bail petition filed on behalf of the accused **Anuj Sk. and Mosaraf Hossain**.

The record is taken up for hearing of the bail filed on behalf of the aforementioned accused person Mosaraf Hossain.

Perused the same as well as other materials on record, including the case docket.

The Ld. Counsel for the Anuj Sk and Mosaraf Hossain agitate before the court that investigation in this case has already concluded. It is said that the rigors of Section 37 of the N.D.P.S Act would not be attracted since alleged seizer of contraband was of intermediate quantity and not of commercial quantity. Last but not least, it is said that co-accused Sarabun Sk has already granted bail and present accused persons have prayed for bail on the ground of parity.

The Ld. Counsel for the prosecution raised strong objection against the prayer for bail.

Charge sheet has been submitted against the accused Mosaraf Hossain, Anuj Sk. and Sarabun Sk U/s 20(b)(ii)(B)/29 of the N.D.P.S, on 28-06-2023. It is manifest from the seizure lists as well as the charge sheet that the accused/petitioners hve been implicated U/s 20(b)(ii)(B), i.e. for possession of intermediate quantity of contraband. One accused person, namely Sarabun Sk has already been granted bail and I find no reason not to grant bail to the present accused/petitioner on the ground of parity alone. While I do find incriminating materials in the case docket against the accused/petitoners, considering the fact that the rigors of Section 37 is not attracted, coupled with the fact that co-accused has already been granted bail by the Hon'ble Court, prayer for bail of accused Anuj Sk and Mosaraf Hossain is considered and allowed.

Hence, it is

ORDERED

That the accused Mosaraf Hossain and Anuj Sk may each find bail of Rs.10,000/- (rupees ten thousand only) with two sureties of Rs.5000/- each, one of whom must be local, subject to the satisfaction of this court, further subject to the condition that the accused/petitioners shall appear before this court on every date of hearing until further order and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future. Further should there be any default in compliance

with the condition of bail, without justifiable cause, this court will consideration cancellation of their bail.

Fix 31-08-2023 for production of the accused persons.

To date for service of copies under section 207 of the Cr.P.C.

Dictated & Corrected by me

Special Judge

**Judge, under N.D.P.S Act-cum-
Additional Sessions Judge,
3rd Court, Howrah.**