

Order No. 13, dated 29.11.2022.

The record is put up today by a put up petition filed on behalf of accused Abdul Kabil Sk. and Mozibar Sk.

Bail petition is filed on behalf of the accused persons. Along with the bail petition, an affidavit is filed stating therein that no bail application for the accused persons is pending or rejected by the Hon'ble High Court.

The bail petition is taken up for hearing.

It is submitted on behalf of the accused persons that there are total three accused persons in the instant case, out of which, accused Sohail Rana was granted bail by the Hon'ble High Court, Calcutta u/S. 439 of the Cr.P.C. from whose possession 29 grams of Heroin was recovered. He further submits that from the present two accused persons allegedly 25 grams of Heroin was recovered which is less than commercial quantity and accordingly they also stand on the same footing. Thus, he prays for bail for the present two accused persons.

Ld. P.P. opposes the prayer for bail.

Perused the materials on record.

Heard both sides.

Considered.

In this case, allegedly 25 grams of Heroin is recovered from these present two accused persons which is below commercial quantity. Hon'ble High Court, Calcutta in C.R.M. (N.D.P.S.) 1351 of 2022, dated 22.11.2022 was pleased to grant bail to the co-accused Sohail Rana from whose possession 19 packets of Heroin, each pouch loaded with 1.5 grams, was alleged to have been recovered. It further appears that charge sheet has been submitted and the investigation is completed. Both the accused persons are in custody since 26.08.2022.

Considering the period of detention suffered by the petitioners/accused persons and the quantity of the narcotic substance, allegedly recovered from the petitioners/accused, is below commercial quantity as well as considering the fact that the co-accused person was granted bail u/S. 439 of the Cr.P.C. by the Hon'ble High Court, Calcutta, I am inclined to allow the prayer for bail of the accused persons.

Accordingly, both the accused persons, namely, Abdul Kabil Sk. and Mozibar Sk. may find bail on furnishing bonds of Rs. 10,000/- each, with two sureties of like amount, one of whom must be local, subject to the satisfaction of this court, on condition that they shall appear before this court on every date of hearing until further orders and shall not intimidate witnesses or tamper with the evidence in any manner whatsoever.

If on bail, to date, i.e. 17.12.2022, for appearance.

Dictated & corrected
by me,

Judge.
(J.O. Code WB 00687)

Judge, Special Court, Under N.D.P.S. Act,
Berhampore, Murshidabad.
(J.O. Code WB 00687)