

NDPS Case No.24 of 2020
JO CODE No.WB00656
CNR No.WBUD01-001162-2020

Order No.15
20.03.2021

Today is fixed for production of accused, Musa Mahammod.
Accused Musa Mahammod is produced from JC.

Bail petition is filed for accused Musa Mahammod. Copy of bail petition is served upon Ld. Spl. PP.

It is submitted by the Ld. Advocate appearing for the accused person that no bail application is pending u/s.439 of Cr.P.C in respect of the present accused persons in any higher forum.

The Ld. Advocate for the accused person submits that accused person is innocent and he is languishing in jail on and from 06.03.2021. He also submits that accused person has falsely implicated in this case. According to him, if the accused person is released on bail, he will not tamper the prosecution witness and will face the trial. For the reasons stated above, he prays for releasing the accused person on bail on any condition or conditions.

On the other hand Ld. Spl.PP left the matter and discretion of the court.

I have perused the materials on record. On perusal of the record I find that charge sheet has already submitted in this case against the present accused along with the other accused u/s.20(b) of NDPS Act. On meticulous analysis of the record, it also appears that nothing was seized from the possession of accused and his name as transpired from the other accused person. It is also not less significant to mention here that 2 kgs and 100 gms of ganja was recovered in this case, which is just above the small quantity but much lesser than the commercial quantity. That being so, in my considered view further detention of accused person in custody will not serve any purpose. More so, as charge sheet has submitted in this case u/s.20(b) of NDPS Act and as such, the bar imposed u/s.37(b) of NDPS Act will not operate in this case.

Accordingly, I am inclined to release the accused person namely, Musa Mahammod on interim bail. He may find interim bail of Rs.10,000/- with two sureties of Rs.5,000/- each, subject to the satisfaction of Ld. CJM, Uttar Dinajpur on condition that he will not involve himself in committing similar type of offence and will appear before this court on each and every date to be fixed.
Recall W/A issued against the accused on 15.02.2021.

If on bail 11.**06.2021** for appearance of accused person and supply of copy.

Spl.Judge(NDPS)
Raiganj, U/Dinajpur

Spl.Judge(NDPS)
Uttar Dinajpur