

07 03.09.2020
rkd Ct. No.16
(Allowed)

C.R.M. 5364 of 2020
(CRAN 1 of 2020 (old CRAN 3683 of 2020))
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Hogalberia** P.S. Case No. **234 of 2019** dated **05/12/2019** under Sections **21(c)/20(b)(ii)A/29** of the NDPS Act.

And

In the matter of: Alamgil Sk @ Almgir Sk @ Alam Sk
....petitioner.

Mr. A. Islam
...for the petitioner.

Mr. B. Panda,
Ms. P. Saha
...for the State.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Accordingly, CRAN 3683 of 2020 is disposed of.

Petitioner is in custody for 109 days and it is further submitted that no narcotic substance was recovered from his possession and investigation is complete.

Learned counsel appearing on behalf of the State opposes the prayer for bail and submits that on the showing of the petitioner 45 bottles of phensedyl syrup was recovered from a bamboo garden. He has criminal antecedents.

We have considered the materials on record. Place of seizure is accessible to all. Furthermore the alleged seizure is not witnessed by independent persons. In view of the aforesaid facts we are of the opinion that petitioner has been able to rebut the

statutory restrictions under Section 37 of the NDPS Act and keeping in mind the period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner are directed to be released on bail upon furnishing a Bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court under NDPS Act, Nadia at Krishnhanagar subject to the condition that during bail he shall appear before the learned trial court regularly till disposal of the trial and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)