

24.09.2020

Item no. 14

Ct.12

CHC

Allowed

C.R.M. No.6749 of 2020

C.R.A.N.1 of 2020

(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Mothabari Police Station Case No. 130/2020 dated 15.03.2020 under Sections 18(b)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of:-

Safiqul Islam @ Safikul Islam

... Petitioner

Mr. Kallol Mondal

Mr. Musharraf Alam Sk.

.. for the petitioner

Mr. Narayan Prasad Agarwala,

Ms. Subhshree Patel

..for the State

The 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.

Learned advocate for the petitioner submits that even if the allegations made by the prosecution is taken to be correct then in that case also this is a case where 500 gms. melted opium were seized. Learned advocate further adds that the petitioner is in

custody for 193 days and charge-sheet has already been submitted.

Learned advocate for the State produces the Case Diary and draws attention of this Court to the seizure list.

We have perused the materials on record which reflects that the involvement in the case is of intermediate quantity of contraband and as such the provisions of Section 37 of the N.D.P.S. Act is not a bar.

Regard being had to the period of detention and the charge-sheet having been filed, we are of the opinion that petitioner may be released on bail.

Accordingly, we direct that the petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Special Judge, 2nd Court, Malda under NDPS Act, on condition that the petitioner shall cooperate with the investigating officer and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall appear before the trial Court on every date of hearing and in the event they fail to do so, the trial Court shall be at liberty to cancel their bail without further reference to this Court.

With these observations, CRM 6749 of 2020 and CRAN 1 of 2020 are disposed of.

Learned appropriate Trial Court as well as all concerned authorities shall act in terms of the copy of the order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Sahidullah Munshi, J.)