

22.02.2021

Item No.34

Ct.No.28

dc.

Allowed

C.R.M. 471 of 2021

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In Re : **Ashraful Sk**

... Petitioner.

Mr. Mazahar Hossain Chowdhury,
Mr. Amanul Islam,
Mr. Sourav Mukherjee

... For the Petitioner.

Md. Anwar Hossain,
Ms. Sreyashee Biswas

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Chapra P.S. Case No. 470 of 2020 dated 20.11.2020 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act (NDPS Case No. 79 of 2020).

The learned advocate appearing for the petitioner submits that the petitioner is in custody for a period of 88 days and the petitioner has been implicated in the alleged offence on the basis of statement of co-accused and there has been no seizure from the possession of the present petitioner in course of investigation. The learned advocate further submits that the petitioner would abide by stringent conditions imposed by this Court in case his prayer is allowed.

Mr. Hossain, learned advocate appearing for the State does not dispute the submissions advanced by the learned advocate for the petitioner that the petitioner has been implicated on the basis of statement of co-accused.

In view of the rival submissions, we are of the opinion that the evidence so collected by the investigating agency does not attract the provisions of Section 37 of the N.D.P.S. Act. Considering the period of detention of the petitioner and the evidence so collected, we are of the opinion that further detention of the petitioner is unwarranted. As such, his prayer for bail is allowed.

Accordingly, we direct that the petitioner, namely, **Ashraful Sk** shall 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 Judge, Special Court under the NDPS Act, Nadia at Krishnagar and on further condition that the petitioner shall meet with the Investigating Officer of the case once a week until further orders.

With the aforesaid observations, the application for bail, being CRM 471 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)