

24.03.2021.
Item No.85
(Allowed)

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C.R.M. 1125 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.01.2021 in connection with Suti P.S. Case No. 28 of 2020 dated 15.01.2020 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act;

And

In the matter of : **Nasikul Sk.**

... petitioner.

Ms. Minati Gomes,
Mr. Jisan Iqbal Hossain.

...For the petitioner.

Mr. Saibal Bapuli,
Mr. B. Bhattacharyya.

...For the State.

The Advocate-on-Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

This is an application for bail in connection with Suti Police Station Case No. 28 of 2020 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act at the behest of the petitioner.

The petitioner has been apprehended in connection with the aforesaid case simplicitor on the basis of a statement of the co-accused though he was not present at the place of occurrence nor any seizure was made from him. The petitioner is languishing in jail for nearly 111 days.

The learned Advocate for the State opposes the prayer for bail. He candidly submits that the petitioner has been arrested on the basis of the statement of the co-accused and, in fact, no recovery of contraband was made from his possession.

After hearing the respective submissions and on perusal of the materials available from the case record, we do not feel that custody of the petitioner is any longer warranted.

Accordingly, the petitioner shall be released on bail upon furnishing a Bond of Rs. 10,000/- with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Judge, Special Court under Narcotic Drugs and Psychotropic Substances Act, Berhampore, Murshidabad and on condition that the petitioner shall meet with the Officer in-Charge/Inspector in-Charge of the concerned Police Station once in a week until further order and on further condition that the petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall also make himself available before the trial court on each and every date of trial and in default on his part without any justifiable reason, the learned trial court would be at liberty to cancel the petitioner's bail without reference to this Court.

The application for bail being CRM 1125 of 2021 is **allowed.**

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)