

31. 09.08.2021
Ct.32
Tanmoy
Allowed

C.R.M. 2820 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **18.03.2021** in connection with **Suti Police Station Case No. 576 of 2019** dated **15/11/2019** under Sections **21(c)/29** of the N.D.P.S. Act.

And

In the matter of: - **Saddam Sk**

Mr. Anisur Rahman

....petitioner.

...for the petitioner.

Mr. Prasun Kr. Dutta,
Mr. Sanjay Bardhan,
Ms. Baishakhi Chatterjee

...for the State.

The charge is under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The petitioner says that there was no recovery of contraband from his possession. He has been implicated on the basis of statement made by co-accused.

Learned Counsel for the State does not dispute the above submission. It is also not disputed that the co-accused person has been granted bail by a co-ordinate Bench of this Court.

Having considered the material on record and the fact that no recovery was made from the petitioner, we are of the view that the restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act is not attracted.

On an overall consideration of the facts and circumstances of the case, we are inclined to allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner shall 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 learned Judge, Special Court (under N.D.P.S. Act), Berhampore, Murshidabad, on condition that the petitioner shall appear before the trial Court on every date of hearing and shall meet the Officer-in-Charge of the Police Station within the jurisdiction of which he resides once every fortnight until further orders and shall not leave the district without leave of the Officer-in-Charge. The petitioner is further directed not to intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not commit similar offence in future.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial Court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being C.R.M. 2820 of 2021 is, accordingly, **allowed**.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)