

31.08.2021
Item no. 35
Court No.32.
S.De.
(Allowed)

(Via Video Conference)

CRM 2983 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 24.03.2021 in connection with Palashipara Police Station Case No. 368 of 2020 dated 16.12.2020 under Section 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Mahiuddin Islam.

.....Petitioner.

Mr. Prabir Majumdar, Advocate,
Mr. Snehansu Majumder

.....for the Petitioner.

Mr. Binoy Panda, Advocate,
Mr. Subham Bhakat, Advocate,
Ms. Puspita Saha, Advocate,

.....for the State.

The petitioner is one of the three accused persons. It appears that one of the persons fled away from the scene when the police intervened. He has been granted bail by this Court.

We have seen the seizure list. There was no recovery of contraband item from the petitioner. Hence, the restriction under Section 37 of the N.D.P.S. Act would not be attracted.

The petitioner has been in custody for 258 days. Charge-sheet has been submitted.

On an overall assessment of the material on record, we are of the view that further custodial detention of the petitioner is not necessary.

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 the learned Judge, Special Court, under N.D.P.S. Act, Nadia at Krishnagar and on further conditions that he shall remain within the jurisdiction of the concerned police station and he shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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 is, accordingly, allowed.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)