

12.07.2021

Court No.28
Item No.01

Akd
&
As

(Mentioned)

CRM 3108 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Kaliachak Police Station Case No. 47 of 2016, dated 01.02.2016 under Section 18 of the Narcotic Drugs and Psychotropic Substances Act (Special Case No. 21 of 2016).

And

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

...Petitioner

Mr. Amitava Karmakar,
Mr. Arup Kumar Bhowmick.

...For the Petitioner

Mr. Rana Mukherjee,
Mr. Suman Saha,
Ms. Debjani Sahu.

...For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Kaliachak Police Station Case No. 47 of 2016 under Section 18 of the Narcotic Drugs and Psychotropic Substances Act.

The petitioner has been apprehended in connection with the aforesaid case after having found to cultivate poppy plant on his land and is in custody for nearly 190 days. After the seizure of the produces from the land of the petitioner the same has been destroyed. Furthermore similarly circumstanced person being co-accused had already been enlarged on bail.

Therefore, we do not find any justification in keeping the petitioner in further custody. Apart from the same charge sheet has already been filed but the charges have not been framed as yet.

In view of the above, the prayer for bail of the petitioner is allowed.

Accordingly, the petitioner, **Forajuddin Sk.**, shall be released on bail upon furnishing a bond of Rs.10,000 /- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must

be local, to the satisfaction of the learned Special Judge under the NDPS Act, 3rd Court, Malda, subject to the condition that the petitioner shall appear before the Trial Court on every date of hearing until further orders.

In the event the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass an appropriate order in accordance with law without further reference to this Court.

The application for bail, being CRM 3108 of 2021, is thus **disposed of.**

(Harish Tandon, J)

(Subhasis Dasgupta,J.)