

17.08.2021
Item no.44.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 3158 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 7.4.2021 in connection with Kaliachak Police Station Case No.395 of 2020 Dated 21.05.2020 under Sections 21(C)/29 of the NDPS Act

And

In the matter of : Nur Selim Sk. @ Mur Selim Sk.

.....Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmickfor the Petitioner.

Mr. Sanjay Bardhan,
Mr. Palash Chandra Majhifor the State.

It is not in dispute that no recovery of contraband items was made from the possession of the petitioner. His name transpired from the statements made by co-accused persons. Since there was no recovery from the petitioner, the restriction in Section 37 of the NDPS Act would not be attracted.

We have considered the material in the case diary. Charge sheet has been filed. We are of the view that further custodial detention of the petitioner is not necessary and he may be granted 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 the learned Judge, Special Court under the NDPS Act at Malda, and on further conditions that he shall remain within the jurisdiction of the concerned police station and 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.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)