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16-08-2021
(ct. no.32)
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(Via Video Conference)

CRM 3704 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Baishnabnagar Police Station** Case No. **14 of 2020** dated **08.01.2020** under Sections **8(c)/22(c)** of the NDPS Act.

- A n d -

In the matter of : Amin Akhtar @ Amim Aktar

.... Petitioner.

Mr. Rajdeep Mazumder,
Mr. M. Mukherjee,
Mr. A. Rahman,
Mr. A. Singh,
Mrs. A. Bazaj

... For the Petitioner.

Mr. Saibal Bapuli,
Mr. A. Bhattacharyya,

... For the State.

The allegation against the petitioner is under the provisions of the Narcotic Drugs and Psychotropic Substances Act. It is submitted on behalf of the petitioner that the petitioner was in custody since 8 January, 2020 and charge sheet was submitted in the case on 7 July, 2020, i.e., on the 181st day after his arrest. The petitioner prays for statutory bail. It is also submitted that no prayer for extension of time to submit the charge sheet was made before the Learned Trial Court by the Investigating Officer.

The State in all fairness, concedes to the submission of the petitioner. The State adds that supplementary charge sheet along with chemical examination report has also been filed in the meantime.

It appears from the material on record that the charge sheet was submitted before the Learned Trial Court by

the Investigating Officer 181 days after the petitioner was arrested.

In the facts and circumstances of the case, we are inclined to hold that the petitioner was entitled to statutory bail on the said date, i.e., on 7 July, 2020 and the petitioner's prayer for bail may be allowed.

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 cum Additional Sessions Judge, 3rd Court, Malda and on further conditions that he shall not leave 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.)