

68. 19.08.2021
Ct.32
Tanmoy
Allowed

C.R.M. 4049 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **11/06/2021** in connection with N.D.P.S. Case No. **32 of 2021** arising out of **Gangarampur Police Station Case No. 104 of 2021** dated **07/04/2021** under Sections **20(b)(ii)(c)/21(c)/29** of the N.D.P.S. Act.

And

In the matter of: - **Shahar Jamal @ Sarjamal Ali @ Sahar Jamal @ Kalu Miya**

....petitioner.

Mr. Kaushik Chaudhury,
Ms. Busra Khatun

...for the petitioner.

Mr. Sanjoy Bardhan,
Mr. Nirupam Dhali,
Mr. Palash Majhi

...for the State.

It is not in dispute that there was no recovery of contraband items from the petitioner. Commercial quantity of narcotic substance was recovered from two co-accused persons. On the basis of statements made by such persons, the petitioner has been implicated.

Learned Counsel for the State says that investigation is still in progress. Copy of Memo of Evidence filed in Court today be kept with the record.

We have considered the facts and circumstances of the case. In view of there being no recovery from the petitioner, the restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 would not be attracted.

On an overall consideration of the material on record and also in view of the fact that the petitioner has been in custody for

about 130 days, 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 Special Judge, under N.D.P.S. Act, Dakshin Dinajpur at Balurghat, 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.

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. 4049 of 2021 is, accordingly, disposed of.

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.)