

CRM 4196 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Rajarhat Police Station** Case No. **304 of 2020** dated **15.09.2020** under Sections **21(c)** of the NDPS Act.

- A n d -

In the matter of : Md. Sahid @ Sahidul

.... Petitioner.

Mr. R. Mazumdar
Mr. A. Rathore,

... For the Petitioner.

Mr. P. K. Datta, Ld. APP
Mr. S. Deb. Roy,

... For the State.

Affidavits filed on behalf of the State and on behalf of the petitioner be kept on record.

The petitioner says that there was no recovery of contraband items from him. His name transpired from statements made by co-accused persons from whom recovery was made.

The State opposes the prayer for bail on the ground that the petitioner has criminal antecedents. The State in its affidavit has referred to various criminal cases pending against the petitioner. The trials in those cases are yet to conclude. Our attention has also been drawn to a case under Section 307 of the Indian Penal Code wherein the petitioner was convicted. We are told that the sentence of five years of imprisonment imposed on the petitioner has been suspended by this Court in the appeal, which is pending.

We have considered the material in the case diary. In view of there being no recovery from the petitioner, the restrictions in

Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 would not be attracted.

The conviction of the petitioner in the case under Section 307 of the Indian Penal Code has been stayed by an *interim* order of the Appellate Court. Charge sheet has been submitted.

We have also considered the recent decision of the Hon'ble Apex Court in the case of **Prabhakar Tewari-vs.-State of Uttar Pradesh & Anr.**, reported in **(2020) 11 SCC 648**. On an overall consideration of the facts and circumstances of the case and the material on record, we are of the view that the petitioner's prayer for bail may be granted but on stringent conditions.

Accordingly, we direct that the petitioner, namely, **Md. Sahid @ Sahidul** 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 Special Judge, 6th Court, Barasat, North 24 Parganas and on further conditions that he shall not leave the jurisdiction of concerned police station and shall report to the Officer-in-Charge of the concerned police station once in every 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.)