

55. 24.08.2021
Ct.32
Tanmoy
Allowed

C.R.M. 4395 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **30/06/2021** in connection with N.D.P.S. Case No. **218/2020** arising out of **Suti Police Station Case No. 466/2020** dated **01/10/2020** under Sections **21(C)/29** of the N.D.P.S. Act, 1985.

And

In the matter of: - **Asraful Sk @ Asraf**

....petitioner.

Ms. Minoti Gomes,

...for the petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta

...for the State.

Admittedly, there was no recovery of contraband items from the petitioner. Hence, the statutory restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 would not be attracted.

The petitioner is in custody for 130 days. He has been implicated on the basis of statements given by co-accused persons. The material on record, *prima facie*, does not implicate the petitioner.

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 Judge, Special Court under N.D.P.S. Act-cum-ADJ 5th Court, Berhampore, Murshidabad, 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 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 being C.R.M. 4395 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.)