

(Via Video Conference)

CRM 4361 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Suti Police Station** Case No. **188 of 2020** dated **15.05.2020** under Sections **21(C)/29** of the NDPS Act.

- A n d -

In the matter of : Rejabul Sk @ Ganga @ Rejaul Sk

.... Petitioner.

Mr. Minoti Gomes,

... For the Petitioner.

Mr. S. Datta,

... For the State.

Admittedly, no contraband was recovered from the petitioner. The petitioner's name has transpired from the statements made by co-accused persons from whom commercial contraband was recovered. In view of there being no recovery from the petitioner, the restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 is not attracted.

The petitioner has been arrested after filing of the charge sheet on the basis of the statements made by co-accused persons.

Considering the overall facts and circumstances of the case, we are inclined to hold that 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 under NDPS Act, Berhampur, Murshidabad 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.)