

29.09.2021
tkm/ct 29
sl no. 77

C.R.M. 4934 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Raiganj P.S case no. 940/2020 dated 21.11.2020 under sections 21(c)/29 of the NDPS Act

And

Allowed

In Re : Mustak Ali

..... petitioner

Mr. B Khatoon

..... for the petitioner

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

..... for the State

Petitioner seeks bail.

Learned advocate for the petitioner submits that the petitioner was falsely implicated in the instant case. No contraband was recovered from the possession of the petitioner. The petitioner is in custody in excess of 100 days. Police submitted charge sheet.

State is represented.

Considering the fact that no contraband was recovered from the possession of the petitioner, we are of the opinion that the petitioner has been able to rebut the presumption under section 37 of the NDPS Act. Since police submitted charge sheet, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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, (NDPS), 1st Court, Raiganj on condition that the petitioner shall appear before the trial court on every date of hearing until

further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM 4934 of 2021 is disposed of.

(Ananda Kumar Mukherjee, J.)

(Debangsu Basak, J.)