

09.12.2021
SL No.58
Saswata

CRM 5467 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Jalangi** P.S. Case No. **172/19** dated **07.03.2019** under Sections **21(c)/29** of the Indian Penal Code.

And

In the matter of: **Asadul Sk. @ Asadul Seikh**

....Petitioner

Mr. Tapodip Gupta

...for the Petitioner

Mr. Ranadeb Sengupta

...for the State.

The petitioner is in custody for 220 days.

He submits no narcotic drug was recovered from the possession of the petitioner.

Learned lawyer for the State opposes the prayer for bail and submits statements of witnesses show petitioner used to indulge in narcotic business.

We have considered the materials on record. No narcotic substance was recovered from the petitioner. Statements of witnesses are general and do not relate to the specific incident, which is the subject matter of investigation.

In view of the aforesaid facts, we are of the opinion petitioner has been able to rebut statutory restrictions under Section 37 of the NDPS Act and keeping in mind the period of detention suffered by the petitioner, we are of the opinion further detention of the petitioner is not required.

The prayer for bail is thus allowed.

Let 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,

Special Court under the NDPS Act, Berhampore, Murshidabad, subject to the condition that she shall appear before the learned trial court regularly on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

The application for bail is, thus, disposed of.

(Joymalya Bagchi, J.)

(Bivas Pattanayak, J.)