

08.12.2021
tkm/ct 28
sl no. 66

C.R.M. 5998 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Jalangi P.S Case no. 172 of 2019 dated 7.3.2019 under sections 21(c)/29 of the NDPS Act
And

Allowed

In Re : Asadul Sk petitioner

Mr. J I Hossain

..... for the petitioner

Mr. P P Das

Ms. Manasi Roy

..... for the State

Petitioner is in custody for 219 days and it is submitted on behalf of the petitioner that no narcotic was recovered from his possession.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner was dealing in narcotic substance.

We have considered materials on record. No narcotic substance was recovered from the petitioner. Statements of local witnesses do not refer to the incident which is the subject matter of investigation/prosecution.

In view of the aforesaid facts, we are of the opinion petitioner has been able to rebut the statutory restriction under section 37 of the NDPS Act.

Under such circumstances and keeping in mind the period of detention suffered by the petitioner i.e. 219 days and as investigation is complete, 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, Special Court under NDPS Act, Murshidabad on condition that the petitioner shall appear before the trial court on every date of hearing 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 5998 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)