

**27.09.2021**  
**Serial no. 16**  
**Dd**

**(Through Video Conference)**

**CRM 6333 of 2021**

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure filed on **14<sup>th</sup> September, 2021** in connection with **Suti** Police Station Case No. **76 of 2021** dated **26.02.2021** under **Sections 21(c)/29** of Narcotic Drugs and Psychotropic Substances Act, 1985.

**-And-**

**In the matter of : Sarif Sk**

**... ...Petitioner**

Ms. Sreyashee Biswas,  
Ms. Benagir Hasna, Advocates  
... ... For the Petitioner

Mr. Sanjoy Bardhan,  
Mr. Mirza Firoj Ahmed Begg, Advocates  
... ...For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. Petitioner obtained bail in another case under the Explosive Substances Act. The petitioner was shown arrested in the present case on the basis of a statement made by the co-accused. Nothing was recovered from the possession of the petitioner.

State is represented.

Considering that nothing was recovered from the possession of the petitioner, we are of the view that the petitioner is able to rebut the presumption under Section 37 of the NDPS Act. Considering the fact that the police submitted charge sheet, we are of the view that further detention of the petitioner is not required. Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District and Sessions Judge, 5<sup>th</sup> Court, Berhampore, Murshidabad subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail is **allowed**.

CRM 6333 of 2021 is **disposed of**.

**(Debangsu Basak, J.)**

**(Ananda Kumar Mukherjee, J.)**