

10.12.2021
Sl. No.45
akd
[ALLOWED]

C. R. M. 6373 of 2021

[via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.09.2021 in connection with Bhagwangola Police Station Case No.23 of 2021 dated 12.01.2021 under Sections 188/353 of the Indian Penal Code and Sections 21(c)/29 of the NDPS Act. (NDPS Case No.13 of 2021)

And

In Re: ***Babu Sk. @ Mursalim Sk. @ Mursalim***

... .. Petitioner

Mr. Tapodip Gupta

... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Baisakhi Chatterjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 160 days. It is further submitted that no narcotic substance was recovered from the possession of the petitioner. It is also submitted that co-accused person has been granted pre-arrest bail by a coordinate Bench of this court.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. Source of information with regard to the identity of the petitioner as disclosed by BSF personnel is absent. Under such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. In view of the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Babu Sk. @ Mursalim Sk. @ Mursalim**, be released on bail upon furnishing 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 Judge, Special Court under the NDPS Act, 1985, Berhampore, Murshidabad subject to condition that the said 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 or commit similar offences in future.

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 for bail, thus, stands **allowed**.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)