

01.12.2021
Item no.22
Court No.32
Avijit Mitra

C.R.M. 6569 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure;

And

In Re : Abdulla Sekh

.... petitioner

Ms. Jisan Iqbal Hossain

....for the petitioner

Mr. Sudip Ghosh,

Mr. Bitasok Banerjee

..... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Raninagar Police Station Case No. 126 of 2020 dated 25.02.2020 under sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

Heard learned advocates appearing for the respective parties and considered the materials in the case diary. It appears that there had been no recovery of contraband substance above commercial quantity from the possession of the petitioner and his name has transpired on the basis of a statement of co-accused person. In view thereof the rigors of Section 37 of the N.D.P.S. Act are not attracted. Upon completion of investigation chargesheet has also been submitted and as such further detention of the petitioner, who is in custody for about 88 days, is not warranted.

Accordingly, we allow this application and direct that the petitioner, namely, **Abdulla Sekh**, shall be released on bail upon

furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Judge, Special Court under N.D.P.S. Act, Berhampore, Murshidabad. The petitioner shall also attend the learned trial court on all the dates, as specified for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for bail being C.R.M. 6569 of 2021 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)