

04.10.2021
Serial no. 31
Dd

(Through Video Conference)

CRM 6620 of 2021

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with NDPS case No. 129 of 2021 arising out of **Nowda** Police Station Case No **152 of 2021** dated **04.07.2021** under **Sections 21(b)/29** of the Narcotic Drugs and Psychotropic Substances Act.

-And-

In the matter of : Halim Sk.

... ...Petitioner

Mr. Hamidur Rahaman, Advocate
... ... For the Petitioner

Mr. Tapandeb Nandy,
Mr. Antarikhya Basu, Advocates
... ...For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that 20 grams of heroine is claimed to be seized from the joint possession of the petitioner. The petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the contents in the case diary and the seizure list. Considering that the police submitted charge sheet and considering that intermediate quantity of contraband was recovered from the joint possession of the petitioner, Section 37 of the NDPS Act, 1985 is not attracted.

Considering that the police submitted charge sheet, 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

Judge, Special Court, Under NDPS Act, Cum ADJ (5th Court) at 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 6620 of 2021 is **disposed of**.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)