

06.12.2021  
Court No.32  
Item No. 17  
Avijit Mitra

C.R.M. 6712 of 2021 (via video conferencing)

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

And

**In Re : Haider Sk.**

Petitioner

Mr. Prabir Majumder

For the Petitioner

Mr. Saswatagopal Mukherjee,  
Mr. Saryati Datta

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Chapra P.S. Case No. 216 of 2018 dated 18.08.2018 under section 21 of the Narcotic Drugs and Psychotropic Substances Act.

Mr. Majumer, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. No contraband substance above commercial quantity was recovered from his possession and his name has transpired on the basis of the statement of a co-accused person. One Mithu Sk., who is similarly situated with the petitioner has already been granted anticipatory bail by a Coordinate Bench of this Court. Upon completion of investigation chargesheet has also been submitted. However, there is no possibility towards conclusion of early trial in the near future. In the said conspectus, further detention of the

petitioner, who has already suffered incarceration since 12<sup>th</sup> February, 2021, is not warranted.

Mr. Datta, learned advocate appearing for the State, opposes the petitioner's prayer and submits that date has already been fixed for examination of the witnesses on 13<sup>th</sup> January, 2022 and there are 12 witnesses.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that no contraband substance above commercial quantity was recovered from the possession of the petitioner and his name has transpired on the basis of a co-accused's statement and as such, the rigors of Section 37 of the N.D.P.S. Act are not attracted. There is also no possibility towards conclusion of the trial in the near future and in the said conspectus, we are of the opinion further detention of the petitioner, who is in custody for more than 300 days, is not warranted.

Accordingly, we allow this application and direct that the petitioner, namely, **Haider Sk.**, 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, Nadia at Krishnagar on condition that the petitioner shall reside within the jurisdiction of Nakashipara Police Station.

It is further directed that the petitioner shall attend the learned trial court on all the dates, as specified for hearing and

shall not intimidate the witnesses 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 his bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.6712 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)**