

09.11.2021

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Allowed

C.R.M. 7031 of 2021
(via video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 422 of 2020 dated 03.06.2020 under Sections 21(C)/29 of the NDPS Act.

And

In Re : Abdulla Sekh @ Abdullya @ Jahangir petitioner

Mr. Avinaba Patra
Mr. Dipayan Kundu

.....for the petitioner

Md. Anwar Hossain
Mr. Ashok Das

....for the State

It is submitted by the learned Counsel appearing for the petitioner that he is in custody for 106 days. It is also submitted that no narcotic substance was recovered from his possession.

Learned Counsel appearing for the State opposes the prayer for bail. He submits that the petitioner has criminal antecedent and 300 grms. of Brown Sugar was recovered from co-accused persons.

We have considered the materials on record. No narcotic substance was seized from the petitioner. Statements of the co-accused persons before police implicating the petitioner are inadmissible in evidence.

Under such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions

under Section 37 of the N.D.P.S. Act and we are inclined to grant bail to him, however, subject to conditions.

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, Malda, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that he shall report to the officer-in-charge of the concerned police station once in a month until further orders.

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

The application for bail is, accordingly, allowed.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)