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(AD/
KC)

10.12.2021

Court No.28

(Allowed)

C.R.M. 8122 of 2021
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Berhampore** P.S. Case No.**805 of 2021** dated **02/08/2021** under Sections **22(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Alhanoda Sk @ Alhando Sk @ Alhamdo Sk
@ Alhamda Sk

....petitioner.

Mr. Sabir Ahmed
Mr. Somnath Adhikari

...for the petitioner.

Mr. Sanjoy Bardhan
Ms. Manisha Sharma

... for the State.

Petitioner renews the prayer for bail.

Petitioner is in custody for 132 days.

Learned lawyer for the State opposes the prayer for bail and submits that petitioner was dealing in narcotic substance along with the co-accused persons.

We have considered the materials on record. No narcotic substance was seized from the petitioner. His complicity has transpired from the statement of the co-accused before police officer, which is inadmissible in evidence. There is hardly any progress since the rejection of bail by this Court.

Under such circumstances, we are of the opinion that the petitioner has been able to rebut the restrictions under Section 37 of the NDPS Act, 1985 and may be granted bail.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- 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, Berhampore, Murshidabad on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)