

20.12.2021.
165.
as
(Allowed)

C.R.M. 8392 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.223 of 2020 arising out of Sagardighi P. S. Case No.404 of 2021 dated 19.10.2021 under Sections 21(b)/29 of the N. D. P. S. Act.

In the matter of : Atikul Sk.

... Petitioner.

Mr. Jisan Iqubal Hossain.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.

...for the State

Heard the learned Counsels appearing on behalf of the parties.

Petitioner renews his prayer for bail. He submits that no narcotic substance was recovered from his possession.

Learned Advocate appearing for the State opposes the prayer for bail and submits that investigation is in progress.

Having considered the materials on record and keeping in mind the extent of complicity of the petitioner in the alleged crime in the light of the aforesaid submission that no narcotic was recovered from him and as his complicity has transpired from the statement of co-accused before police officer which is inadmissible in evidence, 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 bearing in mind the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 local, to the satisfaction of the learned Judge, Special Court, NDPS Act, Berhampore, Murshidabad subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and/or commit similar offence in future.

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 his bail in accordance with law without further reference to this Court.

The application, being C.R.M.8392 of 2021, is disposed of.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)