

15.02.2021

Item No.11

Ct.No.28

dc.

Allowed

C.R.M. 10805 of 2020

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In Re : **Atiyar Halsana**

... Petitioner.

Mr. Mazhar Hossain Chowdhury,
Mr. Amanul Islam

... For the Petitioner.

Mr. Ranadeb Sengupta

... 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. 468 of 2020 dated 20.10.2020 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act (NDPS Case No. 78 of 2020).

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

It appears that the petitioner is in custody for more than 82 days. No contraband substance has been recovered from the petitioner and his name has transpired on the basis of statement of a co-accused person, which is inadmissible in evidence. In view thereof, we are of the opinion that the petitioner has been able to overcome the rigours of NDPS Act and as such his prayer for bail is allowed.

Accordingly, we direct that the petitioner, namely, **Atiyar Halsana** 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 the N.D.P.S. Act, Nadia at Krishnagar and on a further condition that the petitioner shall meet with the Investigating Officer once a week on and from 22nd February, 2021 until further orders.

The application for bail, being CRM 10805 of 2020, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)