

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

20.09.2021
Court No.01
Krishnendu
Item no.13
Bail Granted

CRM 434 of 2021

(Via video Conference)

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

And

In Re : Abdul Mukit @ Mukit Ahmed
Petitioner.

Mr. Biswarup Roy

... for the Petitioner.

Mr. Aditi Shankar Chakraborty. Ld. A.P.P.,

Mr. Sourav Ganguly,

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Dhupguri Police Station Case No.253 of 2018 dated 27.07.2018 under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act (NDPS Case No.28 of 2018).

Heard the learned advocates appearing for the respective parties.

It appears that the petitioner is in custody since 4th December, 2020. No contraband substance was recovered from the possession of the petitioner and his name has transpired on the basis of the statement of a co-accused person, before a police officer, which is inadmissible in evidence and as such the rigors of section 37 of the NDPS Act are not attracted in the present case.

Accordingly, we allow this application and direct that the petitioner namely, **Abdul Mukit @ Mukit Ahmed**, 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 under N.D.P.S. Act, Jalpaiguri and on further condition that while on bail, the petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. He shall appear before the learned Special Court on all the dates specified for hearing.

It is made clear that in the event the petitioner fails to comply with any of the aforesaid directions, without justifiable cause, the learned trial court shall be at liberty to cancel the petitioner's bail, without any further reference to this Court.

The application for bail, being CRM 434 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.

(Abhijit Gangopadhyay, J.)

(Tapabrata Chakraborty, J.)