

27.01.2022
Serial no. 122
Aloke
Ct. No. 29

(Through Video Conference)

CRM (NDPS) 16 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 03.01.2022 in connection with Kaliachak P.S. Case No. 542 of 2020 dated 10.07.2020 under Sections 21(c)/29 of the NDPS Act.

-And-

In the matter of : Saddam Sk.Petitioner

Mr. M.H. Chowdhury, Advocate
... .. For the Petitioner
Mr. Sanjay Bardhan, Advocate
Mr. Pdalash Chandra Majhi, Advocate
... ..For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 298 days. The police filed charge-sheet and supplementary charge-sheet. Nothing was recovered from the possession of the petitioner.

Learned Advocate appearing for the State submits that despite the best efforts, the prosecution was unable to recover the ownership details of the motor vehicle from where the narcotic was seized.

Considering the fact that no recovery was made from the possession of the petitioner and that the petitioner is proceeded against on the basis of the statement of the co-accused, we are of the view petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985. Considering the fact that police filed charge-sheet, we are inclined to grant bail to the petitioner.

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 3rd Court under NDPS Act, Malda, subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

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 the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail is allowed.

CRM (NDPS) 16 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)