

CRM(NDPS) No.45 of 2022

Via video conference

18.02.22

(S.R.)

Sl.12

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Suti** Police Station Case No.230 of 2021 dated 22/06/2021 under Sections 21(c)/29 of the NDPS Act;

And

**In re: Mijanur Sk @ Amir Sk @ Aminul Islam @ Amirul Islam @ Sk.
... petitioner.**

Mr. Tapodip Ghosh

... for the petitioner.

Mr. Binay Panda

Ms. Puspita Saha

...for the State.

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

It appears that no contraband substance above commercial quantity was recovered from the possession of the petitioner and that his name has transpired on the basis of the statements of co-accused before the police officer, which is inadmissible in evidence. In view thereof, we are of the opinion that the statutory restrictions are not attracted and further detention of the petitioner, who has already suffered incarceration for about 76 days, is not necessary, more so when upon completion of investigation charge sheet has been submitted.

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 under NDPS Act, Berhampore, Murshidabad, with a further condition that the petitioner shall attend the learned trial court on all the dates as specified for hearing.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

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

The application for bail being CRM(NDPS) No.45 of 2022 is, accordingly, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)