

21.02.2022

Item No.44

Court No.32

ss

C.R.M. (NDPS) 122 of 2022

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

And

In Re: Asidur Rahaman @ Rasidur Mia

... Petitioner.

Mr. Mazahar Hossain Chowdhury

... for the Petitioner.

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Gangarampur P.S. Case No. 286 of 2020 dated 17.08.2020 under Sections 411/413/414 of the Indian Penal Code and Sections 21(c)/27A of the Narcotic Drugs and Psychotropic Substances Act.

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 co-accused statement before the police officer, which is inadmissible in evidence. In view thereof, the statutory restrictions are not attracted and further detention of the petitioner, who is in custody for more than 74 days, is not necessary, more so, upon completion of investigation charge sheet has been submitted.

Accordingly, we allow this application and direct that the petitioner, namely, **Asidur Rahaman @ Rasidur Mia** 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 a local, to the satisfaction of the learned Special Judge, N.D.P.S. Act, 3rd Court, Balurghat, Dakshin Dinajpur with a further condition that the petitioner shall not leave the jurisdiction of Gangarampur Police Station until further orders save and except for attending the learned Court below on all the dates as fixed for hearing.

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 his bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM (NDPS) 122 of 2022, is 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.)