

07.04.2022
Serial no. 120
Aloke
Ct. No. 29

CRM (NDPS) 181 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 08.02.2022 in connection with English Bazar P.S. Case No. 1173 of 2021 dated 10.09.2021 under Sections 21(c)/29 of the NDPS Act.

-And-

In the matter of : Saheb @ Engraj @ Engrej
... ...Petitioner

Mr. Rana Mukhapadhyay, Advocate

... ... For the Petitioner

Mr. Sanjay Bardhan, Advocate

... ...For the State

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 176 days. The police filed charge-sheet and, therefore, further detention of the petitioner is not required. No narcotic was recovered from the possession of the petitioner. The police are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody.

Learned Advocate appearing for the State draws the attention to the materials in the case diary.

Considering the fact that the police filed charge-sheet and considering the fact that no narcotic was recovered from the possession of the petitioner and considering the fact that the police are proceeding against the petitioner on the basis of the statement of co-accused made while in custody and considering the fact that the police are unable to establish at this state, any nexus between the petitioner and the co-accused who was arrested with the commercial quantity of narcotic, we are of the view that the petitioner is able to overcome the

restrictions under Section 37 of the NDPS Act, 1985. Consequently, 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 Court under NDPS Act, Malda, subject to condition that 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) 181 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)