

15.02.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M. (NDPS) 183 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **577** of **2021** dated **04.06.2021** under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Md. Babar Ali.

..... petitioner

Mr. Mrityunjoy Chatterjee

Mr. Debapriya Majumder

.....for the petitioner

Mr. Sanjoy Bardhan

Mr. Palash Chandra Majhi

....for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that, no narcotic was recovered from the possession of the petitioner. The petitioner is sought to be proceeded against only on the basis of the statement of the co-accused made while in custody. In any event, the police filed charge-sheet and, therefore, further detention of the petitioner is not required.

Learned advocate appearing for the State submits that, commercial quantity of narcotic was seized from the joint possession of the co-accused. The petitioner managed to flee away. Some are absconding.

Considering the fact that no narcotic was recovered from the possession of the petitioner and considering the fact that

the petitioner is sought to be proceeded against on the basis of the statement of the co-accused and considering the fact that the police filed charge-sheet, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, we grant bail to the petitioners.

Accordingly, we direct that 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, Malda**, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the 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 automatically without reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

