

17.02.2022
Serial no. 23
Dd

CRM(NDPS) 190 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with Special Case No. **20/2019** arising out of **Kaliachak** Police Station Case No. **697 of 2019** dated **27.10.2019** under **Sections 21(C)/29** of the Narcotic Drugs and Psychotropic Substances act, 1985.

-And-

In the matter of : Shahrukh Khan @ Saharukh Khan

...Petitioner

Mr. Sourav Chatterjee,
Mr. Dipayan Kundu,
Mr. Avinaba Patra, Advocates
... .. For the Petitioner

Mr. Sananjoy Bardhan,
Mr. Nirupam Dhali, Advocates
... ...For the State

Considering the fact that no narcotic was seized from the possession of the petitioner and considering the fact that the State at this stage is unable to establish any nexus between the co-accused who was arrested with the commercial quantity of narcotic and the petitioner and considering the fact that other co-accuseds were granted anticipatory bail by the co-ordinate Bench, 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, 4th Court, 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 of the petitioner is **allowed**.

CRM(NDPS) 190 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)