

22.02.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M. (NDPS) 217 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. **842** of **2021** dated **13.08.2021** under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Mahammad Nawaz Khan.

..... petitioner

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmick

.....for the petitioner

Mr. Sanjoy Bardhan

Ms. Baisakhi Chatterjee

....for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated on the basis of the statement of the co-accused made while in custody.

Learned advocate appearing for the State draws the attention of the Court to the contents in the case diary.

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 made while in custody 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 petitioner.

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 Additional District Judge, 4th Court, 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.)