

25.02.2022
Serial no. 43
Aloke
Ct. No. 29

CRM (NDPS) 236 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 21.02.2022 in connection with Lalgola P.S. Case No. 249 of 2018 dated 03.05.2018 under Sections 21(c)/29 of the NDPS Act.

-And-

In the matter of: Abu Taher

... ...Petitioner

Mr. Jisan Iqubal Hossain, Advocate

... ... For the Petitioner

Mr. Sudip Ghosh, Advocate

Mr. Apurba Kr. Datta, Advocate

... ...For the State

Petitioner seeks bail.

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

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, 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, Berhampore, Murshidabad, 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 is allowed.

CRM (NDPS) 236 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)