

28.02.2022
Serial no. 48
Aloke
Ct. No. 29

CRM (NDPS) 240 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 22.02.2022 in connection with Suti P.S. Case No. 231 of 2017 dated 20.04.2017 under Sections 21(c)/29 of the NDPS Act.

-And-

**In the matter of: Hasib Mahaldar @ Hasib Mahalder
... ..Petitioner**

Mr. Jisan Iquabal Hossain Advocate
... .. For the Petitioner
Mr. Tapandeb Nandy, Advocate
Mr. Antarikhya Basu, Advocate
... ..For the State

Considering the fact that the petitioner can justifiably claim parity with the other co-accused who was granted bail on December 7, 2020 in CRM 9911 of 2020 and considering the fact that no recovery was made from the possession of the petitioner, and 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) 240 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)