

CRM (NDPS) 349 of 2022

06.04.2022
Sl. 29
Court No.29
(sourav)
(Allowed)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Sagarpara** Police Station Case No. **60** of **2020** dated **27.08.2020** under Sections **21/22/23** of the Narcotic Drugs and Psychotropic Substances Act arising out of NDPS case No. **147** of **2020**.

And

In the matter of: **Rony Sheikh @ Ramjan Ali**

....petitioner.

Mr. Jisan Iqubal Hossain

...for the petitioner.

Ms. Faria Hossain

Ms. Baisali Basu

... for the State.

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that although the petitioner was granted anticipatory bail on February 22, 2022, the petitioner was actually arrested on February 20, 2022. Learned advocate for the petitioner was not aware of such fact and could not apprise the Court properly. Now the petitioner is in custody for 47 days. The police filed charge-sheet and, therefore, further detention of the petitioner is not required. Moreover, no narcotics was recovered from the possession of the petitioner.

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

Considering the fact that no narcotics was recovered from the possession of the petitioner and considering the fact that the police filed charge-sheet and considering the fact that the police are proceeding against the petitioner 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 grant bail to the petitioner.

Accordingly, the petitioner 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, Berhampore, Murshidabad subject to the condition that during bail he shall appear before the learned trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail being **CRM (NDPS) 349 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

