

19.04.2022
Serial no. 47
Aloke

CRM (NDPS) 388 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Kumarganj P.S. Case No.16 of 2019 dated 18.01.2019 under Sections 21/22/23 of the NDPS Act.

-And-

In the matter of : Mir Hussain Sarkar

... .. Petitioner

Mr. Arijit Ghosh, Advocate
Mr. Subrata Saha, Advocate

... .. For the Petitioner

Mr. Saibal Bapuli, Id. APP
Mr. Bibaswan Bhattacharya, Advocates

... ..For the State

Petitioner seeks bail.

Considering the fact that the police filed charge-sheet and considering the fact that no narcotic was seized 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 at this stage are unable to disclose any materials establishing any nexus between the petitioner and the person arrested with the commercial quantity of narcotics, 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, 3rd Court at Balurghat, Dakshin Dinajpur, 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) 388 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)