

15.06.2022

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Allowed

C.R.M.(NDPS) 626 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hingalganj Police Station Case No. 19 of 2022 dated 06.02.2022 under Sections 20(b)/29 of the N.D.P.S. Act and Section 14 of Foreigners Act.

And

In Re : Saddam Sardar @ Hossain petitioner

Mr. Gautam Kumar Nath

.....for the petitioner

Mr. T. D. Nandy

Mr. Antarikhya Basu

.....for the State

Learned Counsel appearing for the petitioner submits that he is in custody for 123 days.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Quantity of narcotic substance recovered from the possession of the petitioner i.e. 6.2 kgs. of Ganja is below commercial quantity. Keeping in mind the aforesaid fact and period of detention suffered by the petitioner i.e. 123 days, 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/- 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, Barasat, North 24-Parganas, subject to conditions that he

shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)