

17.06.2022

23
sdas
Allowed

C.R.M. (NDPS) 662 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raninagar Police Station Case No. 56 of 2022 dated 15.02.2022 under Sections 20(b) of the NDPS Act.

And

In Re : Rafikul Islam petitioner

Ms. Riya Das
.....for the petitioner

Mr. Ranadeb Sengupta
....for the State

Learned Counsel appearing for the petitioner prays for bail.

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 petitioner is 180 grams of Heroin which is below commercial quantity. It is contended seizure is not supported by independent witnesses.

In view of the aforesaid facts and the period of detention suffered by the petitioner, 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, Berhampore, Murshidabad, subject to condition that the

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

In the event the petitioner fails to appear before the trial court without 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.)