

15.07.2022

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Allowed

C.R.M. (NDPS) 787 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 493 of 2022 dated 13.05.2022 under Section 21(b) of the NDPS Act.

And

In Re : Ahemed Sarif & Anr. petitioners

Mr. Mrityunjoy Chatterjee

Mr. Kaushik Dey

Mr. Debapriya Majumder

....for the petitioners

Mr. Sanjoy Bardhan

Ms. Baishakhi Chatterjee

....for the State

Having considered the materials on record and bearing in mind the nature of allegations involving recovery of 100 gms. of Heroin which is below commercial quantity and as petitioners have no criminal antecedents, we are inclined to grant bail to them.

Accordingly we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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, Malda, subject to condition that the petitioners 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 petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)