

16.08.2022
cm/ct 28
sl no. 4

C.R.M. (NDPS) No. 800 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. 457 of 2022 dated 06.05.2022 under Sections **21 (c)/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

Allowed

In Re : Selim Sk @ Selim Sekh & Ors.

..... petitioners

Mr. Avinaba Patra
Mr. Souraja De
Mr. Dipanyan Kundu

..... for the petitioners

Mr. Sanjoy Bardhan
Ms. Baisakhi Chatterjee

..... for the State

Petitioners are in custody for 75 days. It is contended no narcotic substance was recovered from their possession.

Learned lawyer for the State opposes the prayer for bail. He submits petitioner Nos. 1 and 2 have been criminal antecedents.

We have considered the materials on record. No narcotic substance was recovered from their possession. Their complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Hence, we are of the opinion petitioners have been able to rebut the statutory restrictions under Section 37 of the NDPS Act and they may be granted bail subject to conditions.

Accordingly, the petitioners 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 on condition

that the petitioners shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever. Petitioner Nos. 1 and 2 shall meet the Officer-in-Charge of Kaliachak police Station once in a week or until further orders whichever is earlier.

In the event petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application being CRM(NDPS) No. 800 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)