

22.07.2022
cm/ct 28
sl no. 9

C.R.M. (NDPS) No. 813 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Hirapur P.S Case No. 172 of 2021** dated **23.07.2021** under Sections **21 (a)/28/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

Allowed

In Re : Taukir Khan @ Tausif Khan @ Bhaijan
..... petitioner

Mr. Tirupati Mukherjee
..... for the petitioner

Mr. Saibal Bapuli, Ld. A.P.P.
Mr. Bibaswan Bhattacharya
..... for the State

Petitioner is in custody for 52 days. He submits that no narcotic substance was recovered from his possession.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Accusation in the case relates to recovery of narcotic substance below commercial quantity i.e. 6 gms of Heroin from co-accused and complicity of the petitioner in the alleged offence has transpired from the statement of said co-accused before police officer which is inadmissible in evidence.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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, Paschim Bardhaman at Asansol on condition that the petitioner shall appear before the

trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM(NDPS) No. 813 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)