

05.08.2022  
Sl. No.5  
**akd**  
[ALLOWED]

**C. R. M. (NDPS) 889 of 2022**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.07.2022 in connection with Kaliachak Police Station Case No. 56 of 2022 dated 14.01.2022 under Sections 21(c)/27A/29 of the NDPS Act, Sections 326/307/120B/302 of the Indian Penal Code and Sections 25(1)(a)/27/35 of the Arms Act.

And

In Re: ***Sahabuddin Sk.***

... .. Petitioner

Mr. Amitabha Karmakar  
Mr. Arup Kumar Bhowmick

... .. for the petitioner

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor  
Mr. Dipankar Pramanick

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 200 days. It is further submitted no narcotic substance was recovered from his possession. He was not arrested from the spot. No legally admissible evidence has been collected during investigation to implicate him in the alleged crime.

Learned Additional Public Prosecutor opposes the prayer for bail and submits offence is a grave one. Petitioner and co-accused were trafficking narcotic. On being obstructed some of them fired resulting in death of one of the informers.

We have considered the materials on record. No doubt allegations are very grave. However, no narcotic substance was recovered from the possession of the petitioner. His complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Keeping in mind the extent of complicity of the petitioner in the alleged crime and as investigation is

complete, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely **Sahabuddin Sk.**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act, 1985, Malda subject to condition that the said petitioner 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 or commit similar offences in future and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of Kaliachak Police Station except for the purpose of investigation and/or for attending court proceedings and shall report to the Officer-in-charge of the said police station once in a week until further orders.

In the event he 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 for bail, thus, stands **allowed**.

**(Ananya Bandyopadhyay, J.)**

**(Joymalya Bagchi, J.)**