

26.04.2022
Serial no.82
Aloke
Ct. No. 29

CRM 8061 of 2021

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 02.12.2021 in connection with Baishnabnagar P.S. Case No. 190 of 2021 dated 04.05.2021 under Sections 22(C)/27(A)/28/29 of the NDPS Act.

-And-

In the matter of : Motahar Hossain & Anr.

... ..Petitioners

Mr. Sekhar Kr. Basu, Sr. Advocate

Mr. Souvik Mitter, Advocate

Mr. Arushi Rathore, Advocate

... .. For the Petitioners

Mr. S.S. Imam, Advocate

Mr. S. Kundu, Advocate

... ..For the State

Petitioners pray for bail.

Report as called for by the order dated April 7, 2022 be taken on record.

The report is in respect of a vehicle bearing police registration No.WB-66 AJ 9303. Such vehicle belongs to the petitioners. The narcotic was seized from a vehicle bearing registration No.WB 57A 6291. The petitioners are not the owners of such vehicle. No narcotic was seized from the possession of the petitioners. The petitioners are sought to be proceeded against on the basis of the statement of the co-accused made while in custody. Therefore, we are of the view that the petitioners are able to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Considering the period of detention of the petitioners and considering the fact that the petitioners are able to overcome the restrictions under Section 37 of the NDPS Act, 1985, we are inclined to grant bail to the petitioners.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) 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-cum-learned Additional District Judge, 4th Court, Malda, subject to condition that petitioners shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioners in accordance with law without further reference to this Court.

The prayer for bail is allowed.

CRM 8061 of 2021 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)