

03.01.2022

Court No.32
rpan/19

CRM 8093 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Tiku Sk.**

- Petitioner

Mr. Kallol Mondal (through v.c.)

... for the Petitioner.

Mr. I. Ali,

Mr. M. F. A. Begg

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with English Bazar Police Station Case no.766 of 2021 dated 06.07.2021 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that no contraband substance above commercial quantity was recovered from the possession of the petitioner and that his name has transpired on the basis of the statement of a co-accused person. In view thereof, we are of the opinion that the rigours of Section 37 of the NDPS Act are not attracted and as such, further detention of the petitioner, who is in custody for more than 103 days, is not warranted.

Accordingly, we allow this application and direct that the petitioner, namely, **Tiku Sk.**, shall be released on bail upon

furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Judge, Special 3rd Court, Malda under N.D.P.S. Act, on condition that the petitioner shall meet with the Investigating Officer of the case once a week till the investigation is complete.

It is further directed that the petitioner shall attend the learned court below on the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.8093 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J)