

10.01.2022
Sl. No.30
sdas/akd

C. R. M. 8273 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure :

And

In Re: ***Alamgir Sk.***

... .. Petitioner

Mr. Ayan Bhattacharyya
Mr. Sagar Saha

... .. for the petitioner

Mr. Binay Panda
Ms. Puspita Saha

... .. for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Kaliachak Police Station Case No. 763 of 2020 dated 04.10.2020 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 from the statement of co-accused person. In view thereof, rigours of section 37 of the NDPS Act are not attracted. It further appears that upon completion of investigation, charge sheet has also been submitted. As such further detention of the petitioner, who is in custody for about 179 days, is not required.

Accordingly, we allow this application and direct that the petitioner, namely, ***Alamgir 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 Court, ADJ, 4th Court, Malda.

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

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

The application for bail, being CRM 8273 of 2021 is, thus, 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.)