

31.01.2022

Court No.32
rpan/13

CRM 8446 of 2021

[Through Video Conferencing]

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

And

In Re : **Kalu Sk. @ Ajarul Sheikh**
- Petitioner

Ms. Minoti Gomes,
Mr. Jisan Iqubal Hossain
... for the Petitioner.
Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Kandi Police Station Case no.376 of 2021 dated 27.07.2021 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 from the statement of co-accused. In view thereof, statutory restrictions are not attracted. The petitioner has already suffered incarceration since 17th October, 2021. In the said conspectus, we are of the opinion that further detention of the petitioner is not warranted. However, his movement needs to be restricted.

Accordingly, we allow this application and direct that the petitioner, namely, **Kalu Sk. @ Ajarul Seikh** 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, under N.D.P.S. Act, Berhampore, Murshidabad with a further condition that he 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.8446 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)