

09.03.2022

Court No.32
rpan/142

CRM 9009 of 2021

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

And

In Re. : **Anamul Islam @ Enamul Hoque & Another**

- Petitioners

Ms. Minoti Gomes,
Mr. Jisan Iqubal Hossain
... for the Petitioners.
Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Gangarampur Police Station Case no.89 of 2021 dated 30.03.2021 under Sections 22(c)/23(c)/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Records reveal that the matter was heard earlier on 14th February, 2022 when it was submitted on behalf of the State that the petitioners are involved in two narcotic cases.

Today, Ms. Gomes, learned advocate appearing for the petitioners submits that the petitioners have been enlarged on bail on both the said cases. Let the documents, as produced, be kept on record.

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 petitioners and that their names have transpired on the basis of the co-accused

statement, which is inadmissible in evidence. As such, statutory restrictions are not attracted. In view thereof, we are of the opinion that further detention of the petitioners, who are in custody for about two hundred days, is not necessary, more so when, upon completion of investigation, charge sheet has been filed.

Accordingly, we allow this application and direct that the petitioners, namely, **Anamul Islam @ Enamul Hoque** and **Babar Ali** shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Special Judge (under N.D.P.S. Act)-cum-ADJ, 3rd Court, Balurghat, Dakshin Dinajpur.

It is further directed that the petitioners 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 petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.9009 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)