

20.09.2022.
05.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1056 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.17 of 2021 arising out of Kaliachak P. S. Case No.176 of 2021 dated 14.02.2021 under Sections 21(b)/29 of the N.D.P.S. Act.

In the matter of : Habibur @ Habibur Rahaman @ Hoba.
.... Petitioner.

Mr. Salman Hasan,
Mr. Amit Ranjan Pati.
...for the Petitioner.

Mr. Swapan Banerjee,
Mr. Anindya Sundar Chatterjee.
...for the State.

Petitioner is in custody for 57 days. He submits he has been falsely implicated in the instant case.

Learned Advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. Allegation relates to recovery of 100 gms. of brown sugar i.e. heroin from the possession of the petitioner which is below commercial quantity.

Balancing the nature of accusation with the period of detention suffered by the petitioner, we are of the opinion further detention of the petitioner is not necessary and he may be granted bail.

Accordingly, the petitioner 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 local, to the satisfaction of the learned Judge, Special Court under N.D.P.S. Act, Malda subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)