

03.11.2022
Sl. No.2
akd
[ALLOWED]

C. R. M. (NDPS) 1092 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.08.2022 in connection with Dalkhola Police Station Case No. 157 of 2021 dated 12.08.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.62 of 2021)

And

In Re: ***Md. Kalimuddin @ Mahammad Kalimuddin***
... .. Petitioner

Mr. Ayan Bhattacharya
Mr. Pawan Kumar Gupta
... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Baisakhi Chatterjee
... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than 100 days. It is further submitted no narcotic substance was recovered from his possession. He stands on the same footing with co-accused viz. Faisal Alam @ Md. Faizal @ Faisal, who has been enlarged on bail.

Learned advocate appearing for the State opposes the prayer for bail and submits there were telephonic conversations between the petitioner and co-accused from whom narcotic substance above commercial quantity was recovered. Petitioner has criminal antecedents.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner. So far as telephonic conversations are concerned, petitioner stands on the same footing with co-accused viz. Faisal Alam @ Md. Faizal @ Faisal with whom telephonic conversations were also recorded. Nature of conversation has not been placed on record. Investigation is complete. Under such circumstances, we are of the opinion that the

petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. In view of the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Md. Kalimuddin @ Mahammad Kalimuddin***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act-cum-Additional Sessions Judge, 1st Court, Raiganj, Uttar Dinajpur subject to condition that the said petitioner 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 or commit similar offences in future.

In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)