

30.09.2022

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Allowed

C.R.M. (NDPS) No. 1159 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tehatta Police Station Case No. 221 of 2011 dated 23.05.2011 under Sections 27/29 of the NDPS Act.

And

In Re : Mujibar Sk. @ Namaj Sk. @ Nawaj Sk. petitioner

Mr. Soumajit Das Mahapatra
.....for the petitioner

Mr. S. Datta
.....for the State

Learned Counsel appearing for the petitioner submits he is in custody for 157 days. It is also submitted that no narcotic substance was recovered from his possession. He prays for bail.

Learned Counsel appearing for the State opposes prayer for bail and submits the petitioner had absconded for a protracted period of time. No narcotic substance was recovered from his possession.

We have considered materials on record. No narcotic substance was recovered from the possession of the petitioner.

In view of extent of complicity of the petitioner in the crime we are of the opinion that the petitioner may be granted bail, however, subject to strict conditions.

Accordingly we direct that 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 NDPS

Act, Nadia at Krishnagar, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further conditions that while on bail petitioner shall remain with the jurisdiction of Tehatta Police Station and shall provide the address where he shall presently reside to the investigating agency and court below and shall report to the officer-in-charge of the concerned police station within whose jurisdiction he shall presently reside once in a week until further orders.

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

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)