

30.09.2022

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Allowed

C.R.M. (NDPS) No. 1161 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Palashipara Police Station Case No. 233 of 2020 dated 29.08.2020 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Mujibar Halsana petitioner

Mr. Diptendu Banerjee

.....for the petitioner

Mr. M. Sur, learned APP

Mr. D. Paramanick

.....for the State

Learned Counsel appearing for the petitioner submits he is in custody for 80 days. It is also submitted that allegation relates to recovery of 210 grams of Heroin which is below commercial quantity.

Learned Counsel appearing for the State opposes prayer for bail.

Under such circumstances, we are inclined in granting bail to the petitioner.

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 Krishnanagar, 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 condition that he shall report to the officer-in-charge of the concerned police station 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.)