

09.11.2022
Sl. No.7
akd
[ALLOWED]

C. R. M. (NDPS) 1178 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.09.2022 in connection with T.R. Case No.4 of 2018 arising out of NCB Crime No.12 of 2018 under Sections 20(b)(ii)(c)/28/29 of the NDPS Act.

And

In Re: ***Alamgir Majnu Malder @ Majnu Sk.***

... .. Petitioner

Mr. Milon Mukherjee .. Sr. Advocate
Mr. Biswajit Manna

... .. for the petitioner

Mr. Rajendra Nath Banerjee
Ms. Mary Datta

... .. for the NCB

It is submitted on behalf of the petitioner that he is in custody for about 116 days. It is further submitted petitioner has been falsely implicated in the instant case.

Learned advocate appearing for the NCB opposes the prayer for bail and submits narcotic substance was recovered from the residence of the petitioner. He was absconding for a protracted period of time.

This is disputed by the learned senior advocate appearing for the petitioner. He submits petitioner was arrested in connection with another case i.e. NCB Crime No.76/NCB/KOL/2021 in 2021 and enlarged on bail.

We have considered the materials on record. Quantity of narcotic substance recovered from the residence of the petitioner is 8 kgs. of *Ganja*, which is below commercial quantity. It is unclear why the petitioner was not shown arrested in the present case though he had been apprehended in a subsequent case registered by the selfsame Investigating Agency. In view of the aforesaid circumstances 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 ***Alamgir Majnu Malder @ Majnu Sk.***, 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, Howrah 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.)