

22.11.2022
Sl. No.8
akd
[ALLOWED]

C. R. M. (NDPS) 1347 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.11.2022 in connection with Kaliachak Police Station Case No. 255 of 2022 dated 10.03.2022 under Sections 21(c)/27A/29 of the NDPS Act.

And

In Re: ***Md. Aliul Islam @ Aliul***

... .. Petitioner

Mr. Sagar Saha

... .. for the petitioner

Mr. Binay Panda

Mr. Palash Ch. Majhi

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 83 days. It is further submitted no narcotic substance was recovered from his possession. Co-accuseds have been enlarged on bail.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner had fled away from the spot when narcotics were recovered.

We have considered the materials on record. Complicity of the petitioner has transpired from the statement of co-accused. No other incriminating material was collected in course of investigation. Co-accuseds similarly circumstanced with the petitioner have been enlarged on bail.

In view of the aforesaid facts 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. Aliul Islam @ Aliul***, 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 3rd Court under the NDPS Act, Malda 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.)