

02.12.2022
Sl. No.5
akd
[ALLOWED]

C. R. M. (NDPS) 1419 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.11.2022 in connection with Kaliachak Police Station Case No. 527 of 2022 dated 19.05.2022 under Sections 21(b)/29 of the NDPS Act. (NDPS Case No.77 of 2022)

And

In Re: ***Md. Karim Khan & Anr.***

... .. Petitioners

Mr. Arup Kumar Bhowmick

... .. for the petitioners

Mr. Sanjay Bardhan

Ms. Baisakhi Chatterjee

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about 69 days. It is further submitted no narcotic substance was recovered from their possession. Investigation is complete.

Learned advocate appearing for the State opposes the prayer for bail and submits narcotic substance i.e. 100 gms. of *brown sugar* was recovered from the joint possession of co-accuseds.

We have considered the materials on record. Quantity of narcotic substance recovered from the joint possession of co-accuseds is below commercial quantity. No narcotic substance was recovered from the possession of the petitioners. In view of the aforesaid facts, period of detention suffered by the petitioners and as investigation is complete, we are of the opinion further detention of the accuseds/petitioners is not necessary.

Therefore, the accuseds/petitioners, namely **(1) Md. Karim Khan & (2) Obaidulla Sk.**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only) each, 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

District Judge, 4th Court, Malda subject to condition that the said petitioners 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 they fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)