

CRM (NDPS) 1437 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Islampur Police Station Case No. 144 of 2015 dated 19.06.2015 under Sections 21(c)/29 of the NDPS Act.

-And-

In the matter of : Julfikar Ali @ Julfikar Sk.

... ..Petitioner

Mr. Soumyajit Das Mahapatra, Advocate

Mr. Tapodip Gupta, Advocate

... .. For the Petitioner

Mr. Ranabir Roychowdhury, Advocate

Mr. Sandip Chakraborty, Advocate

... ..For the State

The application for bail was specially assigned to this Bench.

The police case is dated June 19, 2015. The police filed charge-sheet on December 31, 2015.

The petitioner was arrested on August 29, 2022. The police are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody.

The petitioner is in custody for 106 days.

At this stage, the police are not able to demonstrate any nexus between the petitioner and the person arrested with the commercial quantity of narcotics and/or the seized commercial quantity of narcotics.

In such circumstances, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Consequently, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a 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 NDPS Act-cum-Additional District Judge, 2nd Court at Berhampore, Murshidabad, subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

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

The prayer for bail of petitioner is allowed.

CRM (NDPS) 1437 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)