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Allowed

C.R.M. (NDPS) No. 1449 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Purbasthali Police Station Case No. 182 of 2018 dated 12.06.2018 under Sections 20(b)(ii)(c)/29 of the N.D.P.S. Act.

And

In Re : Sakir Seikh @ Sakir Sk. petitioner

Mr. Sanat Kumar Das

Mr. Sujan Chatterjee

.....for the petitioner

Mr. Sanjoy Bardhan

Ms. Baishakhi Chatterjee

.....for the State

Learned Counsel appearing for the petitioner submits he is in custody for more than four years. Trial is not in progress. Petitioner prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. No narcotic substance was seized from the possession of the petitioner. There is no other legally admissible evidence connecting him with the possession of narcotics. He is in custody for a considerable period of time.

Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory presumption under Section 37 of the NDPS Act and may be granted bail.

Accordingly, we direct that the petitioner viz. Sakir Seikh @ Sakir Sk. 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, Purba Bardhaman, subject to conditions that he 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.

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 in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Siddhartha Roy Chowdhury, J.)

(Joymalya Bagchi, J.)