

21.12.2022
Sl. No.8
akd
[ALLOWED]

C. R. M. (NDPS) 1474 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.12.2022 in connection with English Bazar Police Station Case No. 617 of 2019 dated 03.07.2019 under Sections 379/411/120B of the Indian Penal Code read with Sections 21(c)/29/27A of the NDPS Act.

And

In Re: ***Mishter Sekh @ Mister Sk.***

... .. Petitioner

Mr. Sekhar Kumar Basu .. Sr. Advocate
Mr. Avinaba Patra

... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Debjani Das Gupta

... .. for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that he is in custody for about 107 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 was financing transaction in narcotics.

We have considered the materials on record. Co-accuseds including Aktarul Sk. (*who is named by the witness*) have been enlarged on bail. There is no development in the case since rejection of bail by this court. Under such circumstances and in view of 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 ***Mishter Sekh @ Mister 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-cum-Additional District & Sessions Judge, 3rd Court, 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.)