

23.12.2022
Sl. No.7
akd
[ALLOWED]

C. R. M. (NDPS) 1526 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.12.2022 in connection with Kaliachak Police Station FIR No. 670 of 2019 dated 16.10.2019 under Section 27(a) of the Drugs and Cosmetics Act, 1940 and Section 21(c) of the NDPS Act.

And

In Re: ***Md. Alip Mia @ Alep Mia***

... .. Petitioner

Mr. Sayantan Hazra

... .. for the petitioner

Mr. Saryati Datta

... .. for the State

Leave is granted to the learned advocate-on-record for the petitioner to correct the cause title in course of this day.

It is submitted on behalf of the petitioner that he is in custody for about 52 days. It is further submitted no narcotic substance was recovered from his possession. Investigation is complete.

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

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner. Investigation has not revealed any legally admissible evidence connecting him with the crime. Investigation is complete. Under such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. In view of the aforesaid fact and 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. Alip Mia @ Alep Mia***, 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 Chief Judicial Magistrate, 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.)