

13.10.2022
JCB 1
Ct.No.28
Sourav/
Suvayan
(Allowed)

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

C.R.M. (NDPS) 336 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Alipurduar** Police Station Case No. **185** of **2022** dated **15.04.2022** under Section **22(c)/27A/29** of the NDPS Act, 1985.

In the matter of : **Mubarak Shekh @ Saikh**

... Petitioner.

Mr. Sudip Guha

...for the Petitioner.

Mr. Aditi Shankar Chakraborty
Mr. Nilay Chakraborty
Mr. Biswarup Roy

....for the State.

Heard learned Counsels for both the parties.

Petitioner is in custody for 95 days. He submits no narcotic substance was recovered from his possession. He prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. Co-accused similarly circumstanced with the petitioner has been enlarged on bail. Hence, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and he may be granted bail.

Accordingly, the petitioner 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, Jalpaiguri, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the 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 his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

The application being **CRM (NDPS) 336 of 2022** is disposed of.

(Supratim Bhattacharya, J.)

(Joymalya Bagchi, J.)