

06.01.2023
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allowed

CRM (NDPS) No. 13 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 646 of 2022 dated 20.06.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Kamal Sarkar petitioner

Mr. Kalidas Saha
.....for the petitioner

Mr. Swapan Banerjee
Mr. Suman De
..... for the State

Learned Counsel appearing for the petitioner submits that the petitioner is in custody for 50 days. No narcotic substance was recovered from his possession. Co-accused is on bail. He 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 recovered from the possession of the petitioner. Co-accused is on bail. Under such circumstances, we are inclined to extend the same privilege to the petitioner also.

Accordingly, we direct that 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-cum-Additional District Judge, 3rd Court, Malda, subject to the

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 or commit similar offences in future.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this Court.

The application for bail is, accordingly, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)