

09.01.2023

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Allowed

C.R.M. (NDPS) No. 14 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 321 dated 14.03.2021 under Sections 22(c )/29 of the N.D.P.S. Act.

And

In Re : Sariul Sk. .... petitioner

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmick

.....for the petitioner

Mr. Sanjoy Bardhan

Mr. Palash Chandra Majhi

.....for the State

Learned Counsel appearing for the petitioner submits he is in custody for about a month. Investigation is complete. He prays for bail.

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

We have considered the materials on record. Narcotic substance, below commercial quantity, is said to have been recovered from the house of the petitioner. Restrictions to bail under Section 37 of the NDPS Act are not attracted.

In view of the aforesaid fact and as investigation is complete, we are inclined to grant bail to the petitioner..

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, Malda, 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.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**