

25.01.2023

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Allowed

C.R.M. (NDPS) No. 39 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tapan Police Station Case No. 255 of 2022 dated 07.05.2022 under Sections 21(c)/22(c)/23(c)/27A of the N.D.P.S. Act.

And

In Re : Manik Halder @ Haldar petitioner

Ms. Busra Khatoon

.....for the petitioner

Mr. Sanjoy Bardhan

Mr. Palash Chandra Majhi

.....for the State

Heard the learned Counsels for the parties.

Due to illness investigating officer is not present. His absence is condoned. Report is placed on record.

From the report it appears in the present case no narcotics was recovered from the petitioner. On his disclosure statement narcotics was recovered and a separate case has been started. He is in custody in the said case.

Bearing in mind the aforesaid facts and extent of complicity of the petitioner in the present case, we are of the opinion he may be enlarged on bail.

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, Balurghat, Dakshin Dinajpur, 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.

We clarify that grant of bail of the petitioner in the present case shall not have any bearing on the bail plea of the petitioner in the other case.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)