

27.02.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M. (NDPS) 353 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. **543** of **2021** dated **24.05.2021** under Sections 22(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Soukat Ali @ Saukat Sekh

..... petitioner

Mr. Avinaba Patra
Mr. Partha Sarathi Das
Ms. Shanta Sarkar

.....for the petitioner

Mr. Antarikhya Basu

....for the State

Police filed charge-sheet.

The materials in the case diary does not suggest any nexus between the petitioner and the person arrested with the commercial quantity of narcotic. Even the person arrested with the commercial quantity of narcotic did not name the petitioner. He named a different person, who was discharged at the time of filing of the charge-sheet by the police.

In such circumstances, since the police, at this stage, are unable to demonstrate any nexus between the petitioner and the person arrested with the commercial quantity of narcotic and/or the seized commercial quantity of narcotic, we are of the view that the petitioner is able to overcome the restrictions

under Section 37 of the NDPS Act, 1985. Consequently, we 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 Additional District Judge, Special 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.

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 the bail of the petitioner without further reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)