

21.03.2023
Sl. No.22
akd
[ALLOWED]

C. R. M. (NDPS) 446 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.03.2023 in connection with Kaliachak Police Station Case No.241 of 2022 dated 05.03.2022 under Sections 21(c)/29 of the NDPS Act. (Special Case No.40 of 2022)

And

In Re: ***Younus Ali @ Unus Ali***

... .. Petitioner

Mr. Ramdulal Manna
Ms. Manju Manna (Dey)
Mr. Sayan Mukherjee
Ms. Payel Khanra

... .. for the petitioner

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor
Mr. Bibaswan Bhattacharya

... .. for the State

Heard the learned Advocates appearing for both the parties.

We have considered the materials on record. We find that no narcotic substance was recovered from the petitioner. Co-accuseds similarly circumstanced with the petitioner have been granted pre-arrest bail. Investigation is complete. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and may be enlarged on bail.

Therefore, the accused/petitioner, namely ***Younus Ali @ Unus Ali***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act, 3rd Court, Malda subject to condition that the said petitioner 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 or commit similar offences in future.

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 automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)