

22.03.2023
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allowed

CRM (NDPS) No. 461 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. 614 of 2020 dated 28.07.2020 under Section 27A of the Drugs & Cosmetic Act.

And

In Re : Intaj Sk. @ Entaj Sk. petitioner

Ms. Minoti Gomes
Mr. Musharraf Alam Sk.
Ms. Susmita Ghorai

.....for the petitioner

Mr. Rudradipta Nandy, learned APP
Mr. Tapan Dev Nandy
Mr. Antarikhya Basu

..... for the State

Learned Counsel for the petitioner submits no narcotics was recovered from his possession. Investigation is complete. Co-accused is on bail. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. No narcotics was recovered from the petitioner. His name has transpired from the statement of the co-accused before police officer which is inadmissible in evidence. Investigation is complete. Co-accused is on bail. Under such circumstances, we are inclined to grant bail 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 Chief Judicial Magistrate, 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 justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)