

23.03.2023
Sl. No.7
akd
[ALLOWED]

C. R. M. (NDPS) 465 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.03.2023 in connection with Baishnabnagar Police Station Case No.194 of 2020 dated 25.04.2020 under Sections 20(B)/29 of the NDPS Act. (NDPS Case No.26 of 2020)

And

In Re: **Saddam Sk. & Anr.**

... .. Petitioners

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

... .. for the petitioners

Mr. Sudip Ghosh
Mr. Bitasok Banerjee
Mr. Apurba Kr. Dutta

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about a month. It is further submitted no narcotic substance was recovered from their possession.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioners. Recovery from co-accused is below commercial quantity. Under such circumstances and in view of the period of detention suffered by the petitioners, we are of the opinion further detention of the accuseds/petitioners is not necessary.

Therefore, the accuseds/petitioners, namely **(1) Saddam Sk. & (2) Ebrahim Sk.**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only) each, 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-cum-Additional District Judge, 4th Court, Malda subject to condition that the said

petitioners 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 they fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)