

24.03.2023
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allowed

CRM (NDPS) No. 494 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hili Police Station Case No. 274 of 2022 dated 01.12.2022 under Sections 20(b)(ii)/21(c)/22(c)/23(c)/27A of the NDPS Act.

And

In Re : Shankar Sarkar @ Sankar Sarkar petitioner

Mr. Kaushik Choudhury
Mr. B. Khatun

.....for the petitioner

Mr. T. D. Nandy
Mr. Antarikhya Basu

..... for the State

Learned Counsel for the petitioner submits no narcotics was recovered from his possession. Co-accused has been granted pre-arrest bail. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Co-accused Mirajul Mondal standing on the same footing with the petitioner has been granted pre-arrest bail in CRM(A) 583 of 2023.

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 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.)