

05.04.2023
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allowed

CRM (NDPS) No. 646 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Suti Police Station Case No. 636 of 2017 dated 10.11.2017 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Saidul Mahaldar petitioner

Mr. Jisan Iqubal Hossain
Ms. Chandrima Debnath
Mr. Karnel Mondal

.....for the petitioner

Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan

..... for the State

Learned Counsel for the petitioner submits he is in custody for more than two years. It is also submitted no narcotics was recovered. He prays for bail.

Learned Counsel for the State produces the case diary.

We have considered the materials on record. Principal accused has been acquitted. Though petitioner absconded there is no legally admissible evidence implicating him in the crime. Under such circumstances, we are inclined in granting 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 Judge, Special Court under NDPS Act, Murshidabad, on further condition that petitioner shall meet the Officer-in-Charge, Suti Police Station once in a week until further orders. 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.)