

18.04.2023
Sl. No.16
akd
[ALLOWED]

C. R. M. (NDPS) 772 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.04.2023 in connection with Domkal Police Station Case No.72 of 2022 dated 05.02.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.46 of 2022)

And

In Re: **Abbas Sk.**

... .. Petitioner

Mr. Sabyasachi Chatterjee
Mr. Omar Faruk Gazi
Mr. Badrul Karim

... .. for the petitioner

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

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than 400 days. It is further submitted no narcotics was recovered from his possession. There is no progress in the matter since rejection of bail by this court. Accordingly, petitioner renews his prayer for bail.

Learned Advocate for the State opposes the prayer for bail and submits petitioner had telephonic conversations with co-accused from whom narcotics was recovered. His bail prayer was rejected earlier on merits.

We have considered the materials on record. No narcotics was recovered from the petitioner. Apart from telephonic conversations (*contents whereof are unknown*), no legally admissible evidence to connect the petitioner with the crime has been collected during investigation. Though his bail prayer was rejected lastly in August, 2022, there is no progress in the matter since then. Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we

are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Abbas Sk.**, 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-cum-Additional District Judge, 5th Court, Berhampore, Murshidabad 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.)