

17.05.2023
Sl. No.21
akd
[ALLOWED]

C. R. M. (NDPS) 1011 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.05.2023 in connection with Farakka Police Station Case No. 139 of 2023 dated 23.03.2023 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No. 37 of 2023)

And

In Re: ***Md. Amir Khan & Ors.***

... .. Petitioners

Mr. Tapodip Gupta

... .. for the petitioners

Mr. Ranadeb Sengupta

... .. for the State

Heard the learned Advocates appearing for both the parties.

We have considered the materials on record. Quantity of narcotics recovered from the petitioners i.e. 40 gms. of *Heroin* is below commercial quantity. Under such circumstances, we are of the opinion further detention of the petitioners is not necessary.

Therefore, the petitioners, namely ***(1) Md. Amir Khan, (2) Gobinda Kumar Rajak @ Gobind Kumar Rajak & (3) Abhishek Kumar Bharti @ Abhisek Kumar Bharti***, 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, 5th Court, Berhampore, Murshidabad 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.)