

18.05.2023
tkm/ct 28
sl no. 10

C.R.M. (NDPS) 1020 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Lalgola P.S case no. 119 of 2015 dated 22.2.2015 under section 22 of the NDPS Act
and

Allowed

In Re : Yeamin Sk @ Md. Yeamin Sk @ Eyamin Sk.

..... petitioner

Mr. D P Samanta

..... for the petitioner

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

..... for the State

Petitioner is in custody for 1231 days. It is submitted no narcotics was recovered from his possession. He prays for bail.

Learned lawyer for the State opposes the bail prayer. He submits petitioner has criminal antecedents.

We have considered the materials on record. No narcotics was recovered from the petitioner. His complicity has transpired from the statement of co-accused before police officer which is inadmissible in evidence. Possibility of conclusion of trail in near future is remote.

Under such circumstances petitioner has been able to rebut statutory restrictions under section 37 of the NDPS Act and he may be enlarged on bail.

Accordingly, the petitioner 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 Additional District & Sessions Judge, 2nd Court, Murshidabad-cum-Judge, Special Court under NDPS Act, Berhampore, Murshidabad on condition that the petitioner shall appear before

the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (NDPS) 1020 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)