

19.07.2023
Sl. No.4
akd
[ALLOWED]

C. R. M. (NDPS) 1124 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.06.2023 in connection with Murshidabad Police Station Case No.519 of 2020 dated 14.10.2020 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.232 of 2020)

And

In Re: ***Habibur Rahaman @ Habibur Sk.***

... .. Petitioner

Mr. Tapodip Gupta

... .. for the petitioner

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Manoranjan Mahata

... .. for the State

Report is placed on record. From the report it appears petitioner has been detected with cancer in the gall bladder and treatment has been prescribed.

In view of the aforesaid state of affairs, we are of the opinion prayer of the petitioner for bail on humanitarian grounds may be considered for preservation of life. Bail prayer on such score which relates to preservation of life and health of the petitioner under Article 21 of the Constitution of India is not fettered by restrictions under Section 37 of the NDPS Act. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Habibur Rahaman @ Habibur 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, 2nd 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.)