

22.08.2023.
09.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1419 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.04 of 2022 arising out of Kaliachak P.S. Case No.1439 of 2021 dated 27.12.2021 under Sections 21(c)/29 of the NDPS Act read with Section 27A of the Drugs and Cosmetics Act.

In the matter of : Dalim Sk.

.... Petitioner.

Mr. Sourav Chatterjee,
Mr. Aditya Tiwari.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Ms. Amita Gaur.

...for the State.

1. Petitioner is in custody for 100 days. No narcotics was recovered from his possession. Co-accused similarly circumstanced with the petitioner have been enlarged on bail/anticipatory bail. He prays for bail.
2. Learned Advocate for the State produces the Case Diary. Memo of evidence is placed on record.
3. We have considered the materials on record. Co-accused similarly circumstanced with the petitioner have been granted bail/anticipatory bail.
4. Under such circumstances, we are inclined to extend the same privilege to the petitioner also.
5. Accordingly, the petitioner viz., Dalim Sk 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

the NDPS Act, Malda subject to condition that he 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.

6. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Rai Chattopadhyay, J.)

(Joymalya Bagchi, J.)