

08.09.2023
Sl. No.7
akd
[ALLOWED]

C. R. M. (NDPS) 1490 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.08.2023 in connection with Bongaon Police Station Case No.37 of 2022 dated 12.01.2022 under Section 21(b) of the NDPS Act.

And

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

... .. Petitioner

Mr. Mazhar Hossain Chowdhury

... .. for the petitioner

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than a year. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Quantity of narcotics i.e. 75 gms. of *Heroin* recovered from the petitioner is below commercial quantity. He is in custody for more than a year. There is no chance of his abscondence. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Md. Amir Khan***, 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 & Sessions Judge, 6th Court, Barasat, North 24-Parganas 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.

5. 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.
6. The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)