

12.09.2023
Sl. No.9
akd
[ALLOWED]

C. R. M. (NDPS) 1504 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.09.2023 in connection with English Bazar Police Station Case No.586 of 2023 dated 15.04.2023 under Sections 21(b)/29 of the NDPS Act.

And

In Re: ***Liton Sk. @ Liton***

... .. Petitioner

Md. Wasim Akram

... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Debjani Das Gupta

... .. for the State

1. It is submitted on behalf of the petitioner that quantity of narcotics allegedly recovered from him is below commercial quantity. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State produces the case diary.
3. We have considered the materials on record. Amount of narcotics i.e. 100 gms. of *Heroin* recovered from the petitioner is below commercial quantity. Investigation is complete. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Liton Sk. @ Liton***, 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, 3rd Court, Malda 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.)