

13.09.2023
Sl. No.6
akd
[ALLOWED]

C. R. M. (NDPS) 1508 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.09.2023 in connection with Bhagwangola Police Station Case No.249 of 2022 dated 14.04.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.96 of 2022)

And

In Re: **Saddam Sk. @ Saddam**

... .. Petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

... .. for the petitioner

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor
Mr. Bibaswan Bhattacharya

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about one year and four months. It is further submitted no narcotics was recovered from his possession. Co-accused have been enlarged on bail/pre-arrest bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner and his complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Co-accused have been enlarged on bail/pre-arrest bail. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. In view of the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely **Saddam Sk. @ Saddam**, 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, 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.
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.)