

26.09.2023
Sl. No.14
akd
[ALLOWED]

C. R. M. (NDPS) 1584 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.09.2023 in connection with Purulia (M) Police Station Case No.261 dated 31.12.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.1 of 2023)

And

In Re: ***Sekh Jakir @ Sk. Jakir @ Kota***

... .. Petitioner

Mr. Navanil De
Mr. Rajeshwar Chakraborty
Mr. Srinjan Ghosh
Mr. Subhrojit Dey
Ms. Monami Mukherjee

... .. for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 211 days. It is further submitted petitioner has been shown arrested in the present case. There is no legally admissible evidence connecting him with the crime. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner has criminal antecedents. Statements of witnesses show he was dealing in narcotics.
3. We have considered the materials on record. Initially petitioner was arrested in a case of rape. While in custody he was shown arrested in the present case. No recovery has been made from the petitioner or pursuant to his leading statement while in custody. His complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. 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 **Sekh Jakir @ Sk. Jakir @ Kota**, 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, Purulia 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 and on further condition that the petitioner, while on bail, shall meet the Officer-in-charge Purulia (M) Police Station once in a week until further orders.
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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)