

06.10.2023
Sl. No.11
akd
[ALLOWED]

C. R. M. (NDPS) 1636 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.09.2023 in connection with Kaliachak Police Station Case No.493 of 2022 dated 13.05.2022 under Sections 21(b)/27/29 of the NDPS Act.

And

In Re: **Sahajad Sk. @ Shajad Sk.**

... .. Petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Kaushik Kundu

... .. for the State

1. It is submitted on behalf of the petitioner that no narcotics was recovered from his possession. Amount of narcotics i.e. 100 gms. of *Heroin* recovered from co-accused is below commercial quantity. Co-accused have been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner is the owner of the motorcycle which was used to transport narcotics.
3. We have considered the materials on record. Quantity of narcotics recovered from co-accused is below commercial quantity. Co-accused have been enlarged on bail. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely **Sahajad Sk. @ Shajad Sk.**, 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, 4th 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)