

06.10.2023
Sl. No.7
akd
[ALLOWED]

C. R. M. (NDPS) 1632 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.09.2023 in connection with Raninagar Police Station Case No.451 of 2021 dated 09.10.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No. 229 of 2021)

And

In Re: **Mainul Sk. @ Sekh @ Mainul Islam**

... .. Petitioner

Md. Golam Nure Imrohi

... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Debjani Dasgupta

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 50 days. It is further submitted no narcotics was recovered from his possession. Co-accused similarly circumstanced with him has been granted 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 narcotics was recovered from the possession of the petitioner. Under such circumstances, co-accused has been granted pre-arrest bail. Petitioner stands on the same footing with the said co-accused. Accordingly, we are inclined to extend the same privilege to the petitioner also.
4. Therefore, the accused/petitioner, namely **Mainul Sk. @ Sekh @ Mainul Islam**, 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, 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)