

29.11.2023.
09.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1884 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.198 of 2022 arising out of Baishnabnagar P.S. Case No.1026 of 2022 dated 04.12.2022 under Sections 21(C)/25/29 of the NDPS Act.

In the matter of : **Samsuddin Sekh @ Nobi Sk.**

.... Petitioner.

Mr. Sagar Saha.

...for the Petitioner.

Mr. Prasun Kr. Dutta, Id. A.P.P.,
Ms. Eshita Dutta.

...for the State.

1. Petitioner is in custody for 62 days. No narcotics was recovered from the possession of the petitioner. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits investigation is in progress.
3. We have considered the materials on record. No narcotics was recovered from the possession of the petitioner. His complicity has transpired from statement of co-accused before a police officer which is inadmissible in evidence. In spite of taking the petitioner into police custody, no incriminating material has been collected during investigation.
4. Under such circumstances, we are of the opinion petitioner has been able to rebut statutory restrictions under Section 37 of the N. D. P. S. Act and further detention of the

petitioner is not necessary and he may be enlarged on bail in the facts of the case.

5. Accordingly, the petitioner viz., **Samsuddin Sekh @ Nobi Sk** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the N.D.P.S. Act-cum-Additional District Judge, 4th Court, Malda subject to condition that he 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.

6. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth,J.)

(Joymalya Bagchi, J.)