

19.12.2023
Sl. No.7
akd
[ALLOWED]

C. R. M. (NDPS) 1948 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.11.2023 in connection with Tehatta Police Station Case No.507 of 2022 dated 21.06.2022 under Sections 21(c)/25/28/29 of the NDPS Act. (NDPS Case No.49 of 2022)

And

In Re: ***Sajahan Sardar***

... .. Petitioner

Mr. Soumyajit Das Mahapatra
Mr. Ali Ahsan Alamgir
Ms. Soma Mal
Ms. Rabia Khatoon
Ms. June Modak

... .. for the petitioner

Mr. Ashok Das

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about eight months. It is further submitted no narcotics was recovered from his possession. Co-accused has been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner has criminal antecedents.
3. We have considered the materials on record. No narcotics was recovered from the possession of the petitioner. Though Call Detail Records (CDRs) show telephonic conversations between the petitioner and co-accused from whom narcotics was recovered, contents of the conversation are unknown. In view of the scanty materials on record, 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 and he may be enlarged on bail however, subject to strict conditions.

4. Therefore, the accused/petitioner, namely **Sajahan Sardar**, 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, Nadia at Krishnanagar 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, Tehatta 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.)