

03.02.2023

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Allowed

C.R.M. (NDPS) No. 1523 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 652 of 2022 dated 21.06.2022 under Sections 21(c)/29 of the N.D.P.S. Act.

And

In Re : Md. Sany Alam Ansari @ Babu @ Sany Alam petitioner

Mr. Sourav Chatterjee

Mr. Avinaba Patra

Mr. Dipayan Kundu

.....for the petitioner

Mr. Sanjoy Bardhan

Mr. Palash Chandra Majhi

.....for the State

Learned Counsel for the petitioner submits petitioner is in custody for 140 days. It is also submitted that no narcotics was recovered from his possession. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. No narcotics was recovered from the petitioner. He is in custody for 140 days. Under such circumstances petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and may be enlarged on bail.

Accordingly, we direct that the petitioner 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 NDPS

Act, Malda, subject to conditions 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.

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 in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)