

19.12.2023.

Item No. 56

ap
(Allowed)

C.R.M. (NDPS) 2002 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.12.2023 in connection with Kaliachak Police Station Case No. 96 of 2023 dated 28.01.2023 under Sections 29/21(c)/27(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Rafik Sk @ Rafikul. ...Petitioner

Mr. Krishnendu Bhattacharya,
Mr. Priyankar Ganguly,
Ms. Neelanjana Ghorui,
Ms. Sarmistha Basak. ...For the petitioner

Mr. Debasish Roy,
Ms. Sreyashree Biswas.For the State

1. Learned Advocate for the petitioner submits that the petitioner is in custody for 66 days. No narcotics was recovered from his possession. Co-accused persons have been granted pre-arrest bail. He prays for regular bail.

2. Learned Advocate for the State opposes the prayer for bail.

3. We have considered the materials on record. No narcotics was recovered from the possession of the petitioner and co-accused persons similarly circumstanced with the petitioner have been granted pre-arrest bail. Accordingly, we are inclined to grant bail to the petitioner.

4. Therefore, the petitioner, namely, Rafik Sk @ Rafikul, be released on bail upon furnishing a 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 NDPS Act, Malda

subject to the 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, the petitioner 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.)