

19.02.2024
Sl. No.10
akd
[ALLOWED]

C. R. M. (NDPS) 99 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.01.2024 in connection with Lalgola Police Station Case No.260 of 2023 dated 24.06.2023 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.75 of 2023)

And

In Re: **Nesharul Seikh @ Biji & Anr.**

... .. Petitioners

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

... .. for the petitioners

Mr. S. S. Imam
Mrs. Purnima Ghosh

... .. for the State

1. Report is placed on record.
2. First chemical examiner's report did not show presence of narcotics in the sample. Subsequent chemical examiner's report is also negative.
3. In view of the aforesaid development and the period of detention suffered by the petitioners i.e. 230 days, we are of the opinion further detention of the petitioners is not necessary.
4. Therefore, the petitioners, namely **(1) Nesharul Seikh @ Biji & (2) Rajesh Seikh @ Rakesh**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only) each, 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 & Sessions Judge, 2nd Court, Berhampore, Murshidabad subject to condition that the said petitioners 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 they fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)