

09.02.2024
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allowed

CRM(DB) No. 273 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 1378 of 2021 dated 30.11.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Md. Kalimuddin Sk. @ Rinku petitioner

Mr. Tapodip Gupta
Mr. Suman Bhanja

....for the petitioner

Mr. Binay Kumar Panda
Ms. Trina Mitra

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for over one year and nine months. No narcotics was recovered from his possession. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner has criminal antecedents. He was arrested in another case involving narcotics.

3. We have considered the materials on record. Though petitioner has criminal antecedents no narcotics was recovered from him in this case. He is in custody for more than one year and nine months. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and he may be enlarged on bail.

4. 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-cum-Additional District Judge, 5th Court, at Berhampore, Murshidabad subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)