

19.02.2024.
22.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 319 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.99 of 2022 arising out of English Bazar P.S. Case No.1167 of 2022 dated 22.07.2022 under Sections 21(c)/25/29 of the NDPS Act.

In the matter of : **Moslim Sekh @ Muslim Sk.**

.... Petitioner.

Mr. Wasim Akram.

...for the Petitioner.

Mr. Ashok Das.

...for the State.

1. Petitioner is in custody for 47 days. No narcotics was recovered from his possession. Co-accused viz., Md. Taslim Ali @ Taslim Sekh has been granted bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. No narcotics was recovered from the petitioner. He stands on the same footing with co-accused viz., Md. Taslim Ali @ Taslim Sekh who has been enlarged on bail.
4. Under such circumstances, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner viz., **Moslim Sekh @ Muslim Sk** 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 3rd Court, under the N.D.P.S. Act, Malda subject to condition 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 or commit similar offences in future.

6. In the event petitioner 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.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth,J.)

(Joymalya Bagchi, J.)