

19.03.2024
Sl. No.11
akd
[ALLOWED]

C. R. M. (NDPS) 469 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.03.2024 in connection with Lalgola Police Station Case No.848 of 2014 dated 25.11.2014 under Section 22 of the NDPS Act. (NDPS Case No.331 of 2014)

And

In Re: ***Liton Seikh @ Najmul Islam***

... .. Petitioner

Mr. Soumyajit Das Mahapatra
Mr. Tapodip Gupta

... .. for the petitioner

Mr. Anand Kesari

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about nine months. It is further submitted no narcotics was recovered from his possession. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner was implicated in another case and had absconded.
3. In response, it is contended that petitioner has been acquitted in the other case. He was in custody from 2015 till 2019 in the said case but was not shown arrested in the present case.
4. We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner. His complicity is based on the statement of co-accused before police officer which is inadmissible in evidence. Hence, there is no legally admissible evidence to implicate him in the crime.
5. On the score of abscondence we note petitioner was in detention in another case from 2015 till 2019. No effort was made to show him

arrested in the present case. Under such circumstances, one cannot say petitioner had evaded the process of law though he came to be arrested five years after his release in the other case.

6. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
7. Therefore, the accused/petitioner, namely ***Liton Seikh @ Najmul Islam***, be released on bail upon furnishing 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 the NDPS Act-cum-Additional District Judge, 2nd Court, Berhampore, Murshidabad subject to 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.
8. 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 automatically without reference to this court.
9. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)