

19.03.2024.
18.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 519 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.93 of 2023 arising out of Kaliachak P.S. Case No.1285 of 2023 dated 26.09.2023 under Sections 21(C)/27A/29 of the NDPS Act.

In the matter of : **Md. Banu Sekh @ Banu Sk.**

.... Petitioner.

Mr. Avinaba Patra.

...for the Petitioner.

Mr. Suman De.

...for the State.

1. Petitioner submits he is in custody for 80 days. No narcotics was recovered from his possession. Accordingly, he prays for bail.
2. Learned advocate for the State opposes the bail prayer. He contends investigation is in progress. Investigating agency has prayed for bank details of petitioner and co-accused to trace out money trail.
3. We have considered the materials on record. 520 gms. of heroin was recovered from co-accused. Complicity of petitioner has transpired on the basis of co-accused's statement before police. No telephonic communication between the parties has been established. Further investigation with regard to bank details of the parties would not require continued detention.
4. Under such circumstances, we are of the opinion petitioner has been able to rebut statutory restrictions under Section 37 of the N. D. P. S. Act and may be enlarged on bail.

5. Accordingly, the petitioner viz., **Md. Banu Sekh @ Banu 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 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.)