

15.04.2024.
09.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 653 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak P.S. Case No.436 of 2022 dated 01.05.2022 under Sections 21(C)/25/29 of the NDPS Act.

In the matter of : **Alomgir Sk @ Alamgir Hossain.**

.... Petitioner.

Mr. Arup Kr. Bhowmick.

...for the Petitioner.

Md. Kutubuddin.

...for the State.

1. Petitioner is in custody for 60 days. He submits no narcotics was recovered from his possession. Co-accused has been enlarged on bail. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits petitioner has criminal antecedents.

3. We have considered the materials on record. We find that no narcotics was recovered from the petitioner. Co-accused similarly circumstanced with the petitioner has been enlarged on bail. Under such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and he may enlarged on bail.

4. Accordingly, the petitioner viz., **Alomgir Sk @ Alamgir Hossain** 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.

5. 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.

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

(Gaurang Kanth,J.)

(Joymalya Bagchi, J.)