

01.05.2024
Sl. No.17
akd
[ALLOWED]

C. R. M. (NDPS) 712 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.04.2024 in connection with Lalgola Police Station Case No.177 of 2015 dated 21.03.2015 under Section 22 of the NDPS Act. (NDPS Case No.75 of 2015)

And

In Re: ***Halim Shaikh @ Md. Abdul Halim***

... .. Petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

... .. for the petitioner

Mr. Anindya Sundar Chatterjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 179 days. It is further submitted no narcotics was recovered from his possession. Petitioner has been falsely implicated. Co-accused have been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner had absconded since 2015.
3. In response, learned Advocate for the petitioner submits his client was arrested in connection with another case by the police officers attached to the selfsame police station in 2021. He was not shown arrested in this case.
4. We have considered the materials on record. We find no narcotics was recovered from the possession of the petitioner. Though he was named as an accused in 2015 and was arrested in another case and detained at the selfsame police station in 2021, no steps were taken by the Investigating Agency to show him arrested in this case. This shows lack of interest on the part of the Investigating Agency to apprehend the petitioner. Under similar circumstances, co-accused

have been enlarged on bail. Hence, we are inclined to extend the same privilege to the petitioner also.

5. Therefore, the accused/petitioner, namely ***Halim Shaikh @ Md. Abdul Halim***, 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 & Sessions 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.
6. 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.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)