

02.05.2024
Sl. No.16
akd
[ALLOWED]

C. R. M. (NDPS) 759 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.04.2024 in connection with Basirhat Police Station Case No.90 of 2024 dated 12.02.2024 under Section 20(b)(ii)(c) of the NDPS Act.

And

In Re: ***Rakibulla Sardar & Anr.***

... .. Petitioners

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha

... .. for the petitioners

Mr. Atif Ahmed Siddiqui

... .. for the State

1. Heard the learned Advocates appearing for both the parties.
2. We have considered the materials on record. Amount of narcotics i.e. 7.2 kgs. of *Ganja* recovered from the petitioners is below commercial quantity. They are in custody for about 79 days. Investigation is complete. Balancing the nature of accusation with the period of detention suffered by the petitioners, we are of the opinion further detention of the petitioners is not necessary.
3. Therefore, the petitioners, namely ***(1) Rakibulla Sardar & (2) Saiful Islam Mondal***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only) each, 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 Sessions Judge, 6th Court, Barasat, North 24-Parganas subject to condition that the said petitioners 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.

4. In the event they fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
5. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)