

14.06.2024
Item no. 53.
Court No.28.
AB
(Allowed)

CRM (NDPS) 929 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Samsherganj PS Case No.179 of 2022 dated 23.5.2022 under Sections 21C/29 of the NDPS Act

And

In the matter of : Anowar Sk.

@ Anowar Hossain @ Anowar Seikh

.....Petitioner.

Mr. Aliul Islamfor the Petitioner.

Ms. Sayanti Santra,
Ms. Mamata Janafor the State.

The petitioner says that no contraband was recovered from his possession. He has been implicated on the basis of statements made by a co accused person. He is in custody for more than three months. There is no chance of his conviction. There is no incriminating material as against him.

Learned Advocate for the State opposes the prayer for bail. She says that the petitioner has criminal antecedents in the sense that other criminal cases are pending against him. Further, the prayer for bail made by a co accused was rejected by this Bench on June 11, 2024. The petitioner stands on the same footing as that person.

We have considered the rival contentions of the parties. Admittedly, there was no recovery of contraband items from the

petitioner. The statement of co-accused person was not recorded before any Judicial Magistrate. From the material in the case diary, prima facie we do not find much incriminating evidence against the petitioner.

In view of the aforesaid, we are satisfied that the restriction in Section 37 of the NDPS Act does not apply and we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner, namely **Anowar Sk. @ Anowar Hossain @ Anowar Seikh** shall be released on bail upon furnishing a bond of Rs.25,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District Judge, 5th Court, Berhampore, Murshidabad, and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)