

55.
16-07-2024
(ct. no.28)
debajyoti
(allowed)

CRM (NDPS) 1122 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Durgapur Police Station Case No.227 of 2024 dated 30-04-2024 under Sections 21(b)/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Maidul Mallick

.... Petitioner.

Mr. Asraf Mondal,
Mr. Md. Bani Israil

... For the Petitioner.

Ms. Sayanti Santra,
Ms. Pallavi Priyadarshee

... For the State.

Allegedly 20 gms. of heroine was seized from the joint possession of the petitioner and another accused person. The petitioner says that he is in custody for 90 days. Charge sheet has been filed upon completion of investigation. It is no more necessary to detain him in custody.

Learned advocate for the State opposes the prayer for bail. She says that the FSL report is awaited.

In view of intermediate quantity of contraband item being involved, the restrictions in Section 37 of the NDPS Act would not be attracted.

On an overall assessment of the material on record and since investigation is complete, we do not deem it necessary to detain the petitioner in custody any further.

Accordingly, we direct that the petitioner, namely, **Maidul Mallick**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two

local sureties of like amount each, one of whom must be local, to the satisfaction of learned Judge, Special Court under NDPS Act cum Additional Sessions Judge, 3rd Court, Asansol, Paschim Bardhaman. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not leave the district of Paschim Medinipur except for the purpose of attending the court proceedings and shall report to the Officer-in-Charge of the jurisdictional police station where he would be residing while on bail once in a week, until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (NDPS) 1122 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)