

5.
23-08-2024
(ct. no.28)
debajyoti
(allowed)

CRM (NDPS) 1154 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Baishnabnagar Police Station Case No.805 of 2016 dated 09-10-2016 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Chand Sk @ Chand Mohammad

.... Petitioner.

Mr. Md. Wasim Akram

... For the Petitioner.

Mr. Sujan Chatterjee

... For the State.

Dictated by Arijit Banerjee, J.

Be it noted that in the order dated August 19, 2024, it was wrongly recorded that a co-accused has been enlarged on bail. In fact, that person was granted anticipatory bail by this Court.

Today learned advocate for the State says that eight out of twelve witnesses have been examined. No significant role of this petitioner has been found in the alleged offence. The accused person who has been granted anticipatory bail and this petitioner stand on the same footing.

In view of the aforesaid, and keeping in view that the petitioner has been in incarceration for more than two years ten months, we allow this application for bail.

Accordingly, we direct that the petitioner, namely, **Chand Sk @ Chand Mohammad**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five

Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Judge, Special Court, 4th Court under NDPS Act, Malda. 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 remain within the jurisdiction of the local Police Station and shall report to the Inspector-in-Charge/Officer-in-Charge of the said police station 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) 1154 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.)