

05.8.2024
Ct. No. 6
SL No.40
SB

C.R.M. (NDPS) 1211 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Samserganj** P.S. Case No. 179 of **2022** dated 23.5.2022 under Section 21(c) / 29 of the N.D.P.S. Act.

And

In the matter of: Anikul Seikh@ Anikul Sekh @ Anikul Islam

Ms. Shabana Hasin
Ms. Samina Akter ... for the petitioner.

Mr. Debabrata Chatterjee
Ms. Nandini Chatterjeefor the State

1. Heard the learned lawyers for both the parties.
2. We have considered the materials on record. No narcotics was recovered from his possession. His complicity has transpired from the statement of co-accused before police officer which inadmissible in law.
3. Under such circumstances, petitioner has been able to rebut statutory restrictions under Section 37 of the N.D.P.S. Act and may be released on bail.
4. Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court N.D.P.S. Act cum ADJ 5th Court, Berhampore, Murshidabad subject to the condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and on further condition while on bail the petitioner shall meet the officer-in-charge of Samserganj police station once in a week until further order.

5. In the event petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his bail without any further reference to this Court.
6. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)