

23.09.2024  
Item no.21.  
Court No.28.  
S. De  
(Allowed)

**CRM (NDPS) No.1318 of 2024**

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure read with Section 483 of Bharatia Nagarik Suraksha Sanhita, 2023, in connection with Jalangi P.S. Case No. 308 of 2010 dated 15.05.2010 under Sections 379/411/413/414 of the Indian Penal Code and Section 27(a)(6)(ii) of the Drugs and Cosmetics Act.

And

**In the matter of : Kajim Sk. @ Khajim Sekh @ Khajim Seikh.**

**.....Petitioner.**

Mr. Soumyajit Das Mahapatra,  
Mr. G.N. Imrohi, .....for the Petitioner.

Mr. Saibal Bapuli,  
Mr. Samarjit Balial, .....for the State.

**Order dictated by Arijit Banerjee, J.**

1. The petitioner says that there was no recovery of contraband items from him. He was implicated only on the basis of the statements made by co-accused persons. Such persons are on bail. He was arrested on March 22, 2024. Chargesheet has been filed after completion of investigation. He prays for bail.
2. Opposing the prayer for bail, learned State advocate says that the petitioner was absconding for 14 years.
3. We have considered the material-on-record and possible extent of complicity of the petitioner in the alleged offence.

4. On an overall consideration of the facts and circumstances of the case and considering that there was no recovery from him and that statement of co-accused may not be admissible, we are of the view that the petitioner has been able to overcome the restriction in Section 37 of the N.D.P.S. Act. We are inclined to allow the prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Kajim Sk. @ Khajim Sekh @ Khajim Seikh** 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 the learned Judge, Special Court, under the N.D.P.S. Act Murshidabad at Berhampore and on further condition that the petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once in a fortnight, until further orders.
6. The petitioner shall appear before the trial court on each and 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.
7. 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.

8. The application for bail is, accordingly, allowed.
9. CRM (NDPS) No. 1318 of 2024 is disposed of.
10. 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.)**