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27-11-2024
(ct. no.29)
S. De
(Allowed)

CRM (NDPS) 1603 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Bhaishnabnagar Police Station Case No. 106 of 2023 dated 12.02.2023 under Sections 21(c)/25/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Sairul Sk.

.... Petitioner.

Mr. Tapodip Gupta,
Mr. Suman Bhanja,

... For the Petitioner.

Mr. Debasish Roy, Ld. P.P.
Mr. Arijit Gangully,
Mr. Koushik Kundu,

... For the State.

Order dictated by Apurba Sinha Ray, J.

1. Report filed by the State be kept with the records.
2. Learned counsel for the petitioner submits that the petitioner is in custody for almost 4 months and the investigation is complete. He is standing on a different footing with the accused person, Neherul, whose bail prayer was rejected on July 11, 2024 by this Bench. He may be granted bail on any condition.
3. Learned counsel for the State opposes the prayer for bail. However, he admits that the present petitioner has no criminal antecedent.
4. It appears from the record that the contraband articles were recovered from a pond and further, though the accused, Neherul had criminal antecedent, the present petitioner has no such record. The pond from which recovery was made is owned by another co-accused person being the petitioner's father who has

been granted pre-arrest bail by this Court. As the investigation is complete we are inclined to allow the prayer for bail of the petitioner.

5. Accordingly, we direct that the petitioner, namely, **Sairul Sk** shall be released on bail upon furnishing a bond of Rs. 25,000/ with two sureties of Rs.12,500/- each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court (under the NDPS Act), Malda 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.
6. 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 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. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)