

26.03.2025
Item no. 33.
Court No.29.
AB
(Allowed)

CRM (NDPS) 280 of 2025

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 Palashipara Police Station Case No.438 of 2024 Dated 02.09.2024 under Section 21C of the NDPS Act

And

In the matter of : Samaul Saikh @ Samaul Seikh

.....Petitioner.

Mr. S. Das Mahapatra
Mr. Abdul Aziz Mondalfor the Petitioner.

Mr. Soumik Ganguly,
Ms. Ankita Palfor the State.

Dictated by Arijit Banerjee, J.

1. Report filed on behalf of the State, be kept with the records.
2. From the report we find that no call detail records or money trail have been found linking this petitioner to the alleged offence. The petitioner also does not have any criminal antecedents.
3. The petitioner is in custody for six and a half months. There was no recovery from him. He has been implicated solely on the basis of statement made by a co-accused person. Charge sheet has been filed upon completion of investigation.
4. In the above facts and circumstances, we are of the view that the petitioner has been able to rebut the presumption in Section 37 of the NDPS Act and we are inclined to allow his prayer for bail.

5. Accordingly, we direct that the petitioner, namely **SAMAU SAIKH @ SAMAU SEIKH** 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 at Nadia, Krishnagar, and on further conditions that he shall not leave the jurisdiction of Palashipara Police Station and shall report to the Officer-in-Charge/ Inspector-in-Charge of Palashipara 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 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. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Aparba Sinha Ray, J.)

(Arijit Banerjee, J.)

