

26.03.2025
Item no. 63.
Court No.29.
AB
(Allowed)

CRM (NDPS) 329 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 Kaliachak Police Station Case No.1446 of 2024 Dated 12.09.2024 under Section 21C/27A/29 of the NDPS Act

And

In the matter of : Md. Amir Khan

.....Petitioner.

Mr. A. K. Bhowmickfor the Petitioner.

Ms. Sreyashee Biswas,
Ms. Trina Mitrafor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that charge sheet has been filed upon completion of investigation. There was no recovery of contraband items from him. His implication is solely on the basis of statement made by a co-accused person. He is in custody for 115 days. He prays for bail.
2. Learned State Counsel, while opposing the bail prayer, fairly admits that nothing was recovered from this petitioner and he has been implicated solely on the basis of statement made by a co-accused person.
3. To our query as to whether or not there is any call details record or money trail linking this petitioner to the alleged offence, learned State Counsel fairly says that there is no such material available.
4. Hence, we are of the opinion that the petitioner has been able to tide over the restrictions 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 **MD. AMIR KHAN** 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 Malda, and on further conditions that he shall not leave the jurisdiction of English Bazar Police Station and shall report to the Officer-in-Charge/ Inspector-in-Charge of English Bazar Police Station once in a week 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)

