

09
07-01-2025
(ct. no.29)
S. De
(Allowed)

CRM (NDPS) 1527 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 **Kaliachak Police Station Case No. 714 of 2022 dated 04.07.2022 under Section 21(C)/27A/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Mabudh Sk.

.... Petitioner.

Mr. Arnab Chatterjee,
Mr. Santanu Deb Roy,

... For the Petitioner.

Ms. Sujata Das,
Mr. Hasan Habib,

... For the State.

Order dictated by Arijit Banerjee, J.

1. Report filed by the State be kept with the records.
2. Copies of depositions of six witnesses so far examined have been made over to us. None of the witnesses implicates this petitioner. The petitioner is in custody for almost 2 years.
3. Learned State advocate says that the remaining witnesses may implicate the petitioner. She also could not apprise us as to what is the next date fixed before the learned Trial Court.
4. On December 2, 2024, learned State advocate had told us that 6 out of 10 chargesheet named witnesses have been examined. The status remains the same today.
5. The petitioner has been in incarceration for an appreciable period of time. As of date there is no incriminating evidence against him.

6. In the aforesaid facts of the case, the petitioner has been able to tide over the restrictions in Section 37 of the NDPS Act and we are inclined to grant bail to him.
7. Accordingly, we direct that the petitioner, namely, **Mabudh 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 subject to the condition that the petitioner, while on bail, shall remain within the jurisdiction of the concerned police station and shall meet the Officer-in-Charge/Inspector-in-Charge of the concerned Police Station, once in a fortnight until further orders.
8. 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.
9. 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.
10. The application for bail is, accordingly, allowed.
11. 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.)