

CRM (NDPS) 1888 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 **Baishnabnagar Police Station Case No. 738 of 2023 dated 22.10.2023 under Sections 21(c)/25/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

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In the matter of : Nasim Sk.

.... Petitioner.

Mr. Ramdulal Manna,
Ms. Manju Manna (Dey),
Mr. Sayan Mukherjee,

... For the Petitioner.

Mr. Iqbal Kabir,
Mr. Prakash Mishra,

... For the State.

Order dictated by Apurba Sinha Ray, J.

1. Learned counsel for the petitioner submits that the petitioner has been languishing in the judicial custody in another case for a considerable period and in this case he has been shown arrested on the basis of the statement of a co-accused. Nothing has been recovered from him. Considering the period of detention, he may be enlarged on bail on any condition.
2. Learned counsel for the State opposes the prayer for bail. According to him, there are sufficient incriminating materials against the present petitioner. Moreover, he has criminal antecedents. If the petitioner is enlarged on bail, he will commit further offences under NDPS Act.
3. We have considered the materials on record. We have also found that the present petitioner is similarly circumstanced with the

accused Moniurl Sk. who has been enlarged on bail by a co-ordinate Bench on November 7, 2024.

4. As nothing has been recovered from the possession of the present petitioner and he has been arrested on the basis of the statement of a co-accused, we are inclined to allow the prayer for bail of the present petitioner on certain condition.
5. Accordingly, we direct that the petitioner, namely, **Nasim Sk** shall be released on bail upon furnishing a bond of Rs. 10,000/ with two sureties of like amount 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 shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
6. In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
7. The application for bail is, accordingly, allowed.
8. 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.)