

31.03.2022

23

Ct. No. 29

KAUSHIK

Allowed

C.R.M. (NDPS) 317 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Raghunathganj** Police Station Case No. **592** of **2021** dated **16.09.2021** under Sections 21(b)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Saddam Sk

..... petitioner

Mr. Sabir Ahmed

.....for the petitioner

Mr. Sanjoy Bardhan

Mr. Palash Chandra Majhi

....for the State

Considering the fact that no contraband was recovered from the possession of the petitioner and considering the fact that the police filed charge-sheet and considering the fact that the police are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, we grant bail to the petitioner.

Accordingly, we direct that the petitioner 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 Additional District Judge, 5th Court under NDPS Act, Murshidabad**, 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 the witnesses and/or tamper with evidence in any manner whatsoever.

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 the bail of the petitioner without further reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)