

13.10.2020
tkm/ct 23
sl no. 23

C.R.M. 7810 of 2020

In Re : An application for bail under section 439 of the Code of Criminal Procedure filed on 17.7.2019 in connection with Gangarampur P.S Case no. 201 of 2020 dated 24.6.2020 under sections 22(c)/ 23(c)/27A/28/29 of the NDPS Act
And

Allowed

In Re : Enamul Islam @ Enamul

..... petitioner

Mr. M H Chowdhury

..... for the petitioner

Mr. Imran Ali

Ms. Seema Biswas

..... for the State

Having considered the materials on record and bearing in mind the extent of complicity of the petitioner in the alleged crime in the light of the submission that no narcotic substances was recovered from his possession and as his complicity has arisen from the statement of a co-accused before a police officer which is inadmissible in evidence, we are of the opinion that petitioner has been able to rebut the statutory restrictions under section 37 of the NDPS Act.

Under such circumstances and in view of the period of detention suffered by the petitioner i.e. 100 days, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 NDPS Act, Dakshin Dinajpur on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper

with evidence in any manner whatsoever and shall not commit similar offence in future.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM 7810 of 2020 is disposed of.

(Moushumi Bhattacharya, J.)

(Joymalya Bagchi, J.)