

C.R.M. 8220 of 2020

(Through Video Conference)

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure in connection with Hili P.S. Case No. 100 of 2020 dated 19.08.2020 under sections 21(C)/22(C)/23(C)/27A of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Nabanu Barman @ Balai

Mr. Kaushik Choudhury

... ... for the petitioner

Mr. Swapan Banerjee

Ms. Purnima Ghosh

... ... for the State

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

Accordingly, 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 Judge, Special Court under NDPS Act, Balurghat, Dakshin Dinajpur 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.

In the event the petitioner fails to do so without justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this court.

The application for bail is, thus, allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Md. Nizamuddin, J.)

(Joymalya Bagchi, J.)