

C.R.M. 8229 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 Gangarampur P.S. Case No. 328 of 2020 dated 17.09.2020 under section 27(a)(b) of the Drugs and Cosmetics Act and sections 22(c)/23(c)/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Abdul Matin @ Matin

Mr. M.H. Chowdhury

... ... for the petitioner

Mr. S.G. Mukherjee, PP

Ms. Faria Hossain

... ... for the State

Having considered the materials on record and keeping in mind the extent of complicity of the petitioner 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 in view of the period of detention, that is, 27 days, suffered by the petitioner, we are inclined to grant bail to the petitioner.

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.)