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CRM 8429 of 2020

(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak P.S. Case No.407 of 2020 dated 30.05.2020 under Sections 21(c)/29 of the NDPS Act.

And

In the matter of: Rahaman Sk.

....Petitioner.

Mr. Mritunjoy Chatterjee

...for the Petitioner.

Ms. Faria Hossain

Ms. Baisali Basu

...for the State.

It is submitted that no narcotic substance was recovered from his possession.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner alongwith other co-accused persons were dealing in narcotic substance above the commercial quantity.

Having considered the materials on record and keeping in mind the extent of complicity of the petitioner in the alleged crime and as no narcotic substance was recovered from his possession and as his complicity in the alleged crime had transpired from the statement of co-accused before a police officer, which is inadmissible evidence, we are of the opinion that petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and in view of the period of detention suffered by him that is, 26 days and he may be granted bail.

Accordingly we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Judge, NDPS, Malda subject to condition that the petitioners 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 fail to appear before the trial court 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, accordingly, allowed.

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

(Abhijit Gangopadhyay, J.)

(Joymalya Bagchi, J.)