

20.11.2020

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Allowed

C.R.M. 8885 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kumarganj Police Station Case No. 81 of 2020 dated 28.05.2020 under Sections 21(c)/22(c)/23(c)/27(a) of the NDPS Act.

And

In Re : Majidur Molla petitioner

Mr. Anindya Ghosh

.....for the petitioner

Mr. S. Bardhan

Mr. P. Majhi

....for the State

Having considered the materials on record and keeping in mind the nature of allegations and in the light of the submission that there is no seizure of narcotic substance from his possession and since his complicity has transpired from the statement of co-accused before the police officer which is inadmissible in evidence, we are of the opinion that petitioner has been able to rebut the statutory presumption under Section 37 of the NDPS Act and in view of the period of detention suffered by the petitioner i.e. 99 days, we are inclined to 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 Judge, Special Court under NDPS Act, Dakshin Dinajpur at Balurghat, subject to 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 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.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)