

14.12.2020
Sl. No.59
akd
[ALLOWED]

C. R. M. 10308 of 2020 [via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.12.2020 in connection with Balurghat Police Station Case No. 438 of 2020 dated 06.11.2020 under Sections 21(c)/22(c)/23(c)/25/27A/29 of the NDPS Act.

And

In Re: **Mukul Barman**

... .. Petitioner

Ms. Busra Khatoon .. Advocate

... .. for the petitioner

Mr. Ranabir Roy Chowdhury .. Advocate

Mr. Sandip Chakraborty .. Advocate

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 35 days. It is further submitted that no narcotic substance was recovered from his possession and his complicity has transpired from the statement of co-accused before a police officer.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner and his complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Under such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. Under such circumstances, we are inclined in granting bail to the petitioner.

Therefore, the accused/petitioner, namely **Mukul Barman**, be released on bail upon furnishing 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 Judge, Special Court

under the NDPS Act, 1985, Dakshin Dinajpur subject to condition that the said 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 or commit similar offences 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 for bail, thus, stands **allowed**.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)