

06.12.2021.
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as
(Allowed)

C.R.M. 5081 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.08.2021 in connection with N. Case No.31 of 2021 arising out of NCB Crime No.08/NCB/KOL/2021 under Sections 22/29 of the N. D. P. S. Act.

In the matter of : Faruk Sardar.

... Petitioner.

Mr. Jayanta Narayan Chatterjee,
Md. Younush Mondal.

...for the Petitioner.

Mr. Y. J. Dastoor, Id. A.S.G.

...for the NCB.

Heard the learned Counsels appearing on behalf of the parties.

It is submitted on behalf of the petitioner that he is in custody for about 166 days. It is also submitted that no narcotic substance was recovered from his possession.

Learned Additional Solicitor General placed the Case Diary before us.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. His complicity was transpired from the statement of co-accused persons which are inadmissible in evidence.

In view of the aforesaid facts, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the N. D. P. S. Act and bearing in mind the period of detention 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, NDPS Act, Barasat, North 24-Paraganas subject to 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 and/or commit similar offence in future.

In the event the petitioner fails to appear before the Trial Court without any 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, being C.R.M.5081 of 2021, is disposed of.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)