

07.12.2021
SI. No.46
Aloke
[ALLOWED]

C. R. M. 5596 of 2021

[Via Vide Conference]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.08.2021 in connection with Suti Police Station Case No. 238 of 2021 dated 30.06.2021 under Sections 21(c)/29 of the NDPS Act

And

In Re: **Rohim Sk. @ Rahim Sk.**

... .. Petitioner

Mr. Jisan Iquabal Hossain

... .. for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

... .. for the State

Liberty to correct the name of the petitioner.

Petitioner is in custody for about 5 months. It is submitted on behalf of the petitioner that no narcotic substance was recovered from the possession of the petitioner.

Learned advocate appearing for the State opposes the prayer for bail and submits that the petitioner has criminal antecedents.

From the materials on record, we note that no narcotic substance was recovered from the possession of the petitioner. The complicity of the petitioner has transpired from the statement of co-accused before police officer which is inadmissible in nature.

In view of the aforesaid fact, we are of the view that the petitioner has been able to rebut the presumptions under Sections 37 of the NDPS Act and may be granted bail.

Therefore, the accused/petitioner 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, Berhampore, Murshidabad 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**.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)