

10.12.2021
Sl. No.28
akd
[ALLOWED]

C. R. M. 5831 of 2021

[via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 31.08.2021 in connection with Balurghat Police Station Case No.477 of 2017 dated 19.11.2017 under Sections 22(c)/23(c)/27A of the NDPS Act.

And

In Re: **Manik Barman**

... .. Petitioner

Ms. Busra Khatun

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 132 days. It is further submitted 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 used to deal in narcotic substance along with other co-accused persons.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. Statements of witnesses are general and omnibus in nature and do not relate to the specific incident which is the subject matter of investigation. 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. In view of the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Manik 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, Balurghat, 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**.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)