

09.12.2021.
145.
Saswata
(Allowed)

C.R.M. 6330 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Gangarampur P.S. Case No.470 of 2019 dated 21.12.2019 under Sections 27(a)(b) of the Drugs and Cosmetics Act, 1940 and Section 14(A)(b) of the Foreigners Act.

In the matter of : Azad Ali @ Abul Kalam Azad
... Petitioner.

Mr. Mazhar Hossain Chowdhury ...For the Petitioner.

Mr. N. Ahmed
Ms. Sujata DasFor the State.

It is submitted on behalf of the petitioner that he is in custody for about 4 months and no narcotic substance was recovered from his possession.

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

Having considered the materials in the Case Diary and bearing in mind the fact that the complicity of the petitioner had transpired from the statements of co-accused persons which are inadmissible in evidence, we are of the opinion that the petitioner has been able to rebut the restrictions under Section 37 of the N.D.P.S. Act and in view of 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 one of whom must be local to the satisfaction of

the Learned Judge, Special Court under NDPS Act, Balurghat, Dakshin Dinajpur subject to condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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 for bail is disposed of.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)