

06.12.2021.
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as
(Allowed)

C.R.M. 7940 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 Special Case No.51 of 2021 arising out of Gangarampur P.S. Case No.470 of 2019 dated 21.12.2019 under Sections 27(a)(b) of the Drugs and Cosmetics Act, 1940 read with Section 14(A)(b) of the Foreigners Act.

In the matter of : Nur Jamal Miya @ Padu.

... Petitioner.

Mr. Kaushik Chowdhury.

...for the Petitioner.

Mr. Saryati Datta.

...for the State.

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 70 days. It is also submitted that no narcotic substance was recovered from his possession. He prays for bail.

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

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. His complicity transpired from the statement of the co-accused person 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 N. D. P. S. Act and he may be granted bail.

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, Dakshin Dinajpur at Balurghat 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.7940 of 2021, is disposed of.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)