

07.12.2021
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allowed

**CRM 7945 of 2021
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hili Police Station Case No. 133 of 2021 dated 01.07.2021 under Sections 20(c)/22(c)/23(c)/27A of the NDPS Act.

And

In Re : Pintu Mahato petitioner

Mr. Debabrata Acharyya
Mr. Sital Samanta

.....for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

..... for the State

Learned Counsel appearing for the petitioner submits no narcotic substance was recovered from the possession of the petitioner.

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

Having considered the materials on record, we note that no narcotic substance was recovered from the possession of the petitioner. His complicity has arisen from the statement of co-accused before police officer which is inadmissible in evidence. Hence, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. Accordingly, we are inclined to grant bail to him.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a 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 NDPS Act, Balurghat, Dakshin Dinajpur, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)