

10.12.2021
cm/ct 28
sl no. 160

C.R.M. 8246 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Beldanga P.S. Case No. 401/2021 dated 20.08.2021 under Sections 20(b) (ii) (c) of the NDPS Act.

And

Allowed

In Re : Lutfar Ali

..... petitioner

Mr. Tapodip Gupta

..... for the petitioner

Mr. Binoy Panda

Ms. P. SAha

..... for the State

Petitioner is in custody for 107 days and it is submitted no narcotic was recovered from the possession of the petitioner.

Having considered materials on record and bearing in mind the nature of allegations and the extent of complicity of the petitioner in the alleged crime in the light of the submission that no narcotic substance was recovered from his possession and as his complicity in the alleged offence has transpired from the statement of co-accused before a police officer which is inadmissible in evidence, we are of the opinion that petitioner has been able to rebut the statutory restrictions under section 37 of the NDPS Act.

Under such circumstances and in view of the period of detention suffered by the petitioner i.e. 170 days, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 under NDPS Act, Berhampore, Murshidabad on 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 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 being CRM 8246 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)