

20.12.2021.
155.
as
(Allowed)

C.R.M. 8369 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.21 of 2020 arising out of Mothabari P. S. Case No.157 of 2020 dated 16.04.2020 under Sections 21(C)/29 of the N. D. P. S. Act read with Section 27A of the Drugs and Cosmetics Act, 1940.

In the matter of : Md. Emran Hossain @ Imran Ali @ Babu.
... Petitioner.

Mr. Sourav Chatterjee,
Mr. Dipayan Kundu,
Mr. Avinaba Patra.

...for the Petitioner.

Mr. Ranadeb Sengupta.

...for the State

Heard the learned Counsels appearing on behalf of the parties.

Petitioner renews his prayer for bail. He submits that no narcotic substance was recovered from his possession.

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

We have considered the materials on record. Complicity of the petitioner has transpired from the statement of co-accused before police officer which is inadmissible in evidence. No other independent corroborative material connecting the petitioner with the alleged crime is placed on record.

In view of the aforesaid facts, 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 bearing in mind 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 each, one of whom must be local, to the satisfaction of the learned Judge, Special Court, NDPS Act, Malda 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.8369 of 2021, is disposed of.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)