

20.12.2021
166
sdas
allowed

CRM 8396 of 2021
(via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhagwangola Police Station Case No. 23 of 2021 dated 12.01.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Rupchand Sk. petitioner

Mr. Jisan Iqubal Hossain
.....for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta
..... for the State

It is submitted by the learned Counsel appearing for the petitioner that no narcotic substance was recovered from the possession of the petitioner. Co-accused has been enlarged on pre-arrest bail.

Learned Counsel appearing for the State opposes prayer for bail.

Having considered materials on record and keeping in mind extent of complicity of the petitioner in the alleged crime and as no narcotic substance was recovered from the possession of the petitioner and co-accused, similarly circumstanced with the petitioner, has been granted pre-arrest bail, we are of the view that petitioner is able to rebut the statutory restrictions under Section 37 of the NDPS Act and may be granted bail.

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, Berhampore, Murshidabad, 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.)