

09.02.2022

Sl. 20

Court No.29

suvayan

(Allowed)

C.R.M. (NDPS) 114 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.01.2022 in connection with **Kumarganj** P.S. Case No. **240 of 2021** dated **24/10/2021** under Sections **21(c)/22(c)/23(c)** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Makchedur @ Maksudur Rahaman

....petitioner

Mr. Kaushik Chaudhury

Ms. Busra Khatun

...for the petitioner.

Mr. Ranadeb Sengupta

...for the State.

Petitioner seeks bail.

Report called for by the order dated January 31, 2022 filed in Court be taken on record.

The report does not establish any nexus between the petitioner and the co-accused in custody.

Learned Advocate appearing for the State draws the attention of the Court to the contents in the case diary.

Considering the fact that no narcotic substance was seized from the possession of the petitioner and considering the fact that the petitioner sought to be proceeded against on the basis of the statement of the co-accused and since the police at this stage is unable to establish any nexus between the petitioner and the co-accused arrested with commercial quantity of narcotic, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985. Consequently, we 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 the NDPS Act, 3rd Court, Balurghat, Dakshin Dinajpur, subject to the condition that during bail he shall appear before the learned trial court on the date fixed till disposal of the trial and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail being C.R.M. (NDPS) 114 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)