

C.R.M. (NDPS) 164 of 2022

16.02.2022
Sl. 36
Court No.29
sourav
(Allowed)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **31.01.2022** in connection with **Berhampore** P.S. Case No. **1334** of **2021** dated **18.11.2021** under Section **22(c)/29** of the NDPS Act corresponding to NDPS Case No. 255 of 2021.

And

In the matter of: **Refajul Sk @ Kota**

....petitioner.

Mr. Kaustav Banerjee
Ms. Koyel Sinha

...for the Petitioner.

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty
Mr. Mainak Gupta

...for the State.

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. No narcotic was recovered from the possession of the petitioner. The petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody.

Learned advocate appearing for the State draws the attention of the Court to the contents in the case diary. He submits that the charge-sheet is yet to be submitted.

Considering the fact that no narcotic was recovered from the possession of the petitioner and considering the fact that the petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985 and consider the period of detention of the petitioner, 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 Additional District Judge, Special Court under NDPS Act, Berhampore, Murshidabad, subject to the condition that during bail he shall appear before the learned trial court on the date fixed till the 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 **CRM (NDPS) 164 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

