

CRM (NDPS) 198 of 2022
(via video conference)

Re: An application for bail under Section 439 of the Code of Criminal Procedure.

In the matter of : **Bhola Debnath**

..... petitioner

Mr. Kaushik Chaudhury
Ms. Busra Khatun

.....For the petitioner

Mr. N. P. Agarwala
Mr. Saryati Datta

.....For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Tapan PS Case No. 179 of 2020 dated 10.06.2020 under Sections 21(c)/22(c)/23(c)/27A of Narcotic Drugs & Psychotropic Substances Act.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that no contraband substance above commercial quantity was recovered from the possession of the petitioner and that his name transpired on the basis of co-accused statement, which is inadmissible in evidence and as such, the statutory restrictions are not attracted.

Upon assessing the materials in the case diary, it, *prima facie*, appears that the role assigned to the petitioner is similar to that of one Nima @ Naim @ Nime @ Rahul Sarkar, who has already been enlarged on bail by a co-ordinate

Bench of this Court. The petitioner has already suffered detention for about 75 days and upon completion of investigation, charge sheet has also been submitted.

In view thereof, we allow this application and direct that the petitioner, namely, **Bholanath Debnath**, 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 a local, to the satisfaction of the Special Court under the NDPS Act, Balurghat, Dakshin Dinajpur and on further condition that the petitioner shall appear before the Trial Court on every date of hearing until further orders.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned trial court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for bail, being CRM (NDPS) 198 of 2022, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)