

25.02.2022
Serial no. 41
Aloke
Ct. No. 29

CRM (NDPS) 234 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 21.02.2022 in connection with Suti P.S. Case No. 204 of 2021 dated 05.06.2021 under Sections 21(c)/29 of the NDPS Act and Sections 13/14 of the Foreigners Act.

-And-

In the matter of: Abdul Salam @ Bhotan

... ...Petitioner

Mr. Jisan Iqubal Hossain, Advocate

... ... For the Petitioner

Mr. Tapandeb Nandy, Advocate

Mr. Antarikhya Basu, Advocate

... ...For the State

Petitioner seeks bail.

Considering the fact that no narcotic was seized 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 and considering the fact that at this stage, the police are unable to establish any nexus between the petitioner and the co-accused who was arrested with the commercial quantity of narcotics and considering the fact that the police filed charge-sheet, we are of the view that the petitioner is able to rebut the presumptions under Sections 37 of the NDPS Act, 1985. Consequently, we are inclined to grant bail to the petitioner.

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 condition that the

petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

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 the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail is allowed.

CRM (NDPS) 234 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)