

CRM (NDPS) 309 of 2022

23.03.2022
Sl. 29
Court No.29
(sourav)
(Allowed)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **17.03.2022** in connection with **Kulti** P. S. Case No. **423** of **2021** dated **23.08.2021** under Section **20(b)(ii)(c)/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: **Samim Abdul @ Munna @ Abdul Samim**
....petitioner.

Mr. Kallol Mondal
Mr. Krishan Ray
Mr. Saibal Dasgupta

...for the petitioner.

Mr. Swapan Banerjee
Mr. Suman De

... for the State.

Petitioner seeks bail.

Learned advocate appearing for the petitioner is granted liberty to correct the cause-title.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. The police filed charge-sheet. No contraband was recovered from the possession of the petitioner. The police are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody.

Learned advocate appearing for the State submits that the police are proceeding against the petitioner not only on the basis of the statement of the co-accused made while in custody but also on the statement of two independent witnesses who claimed that they used to purchase the narcotics from the present petitioner.

Considering the fact that the police filed charge-sheet and considering the fact that the principal basis of the police

taking action against the petitioner is 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.

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 Special Judge, under the NDPS Act, Asansol, Paschim Bardhaman, subject to the condition that during bail he shall appear before the learned trial court on every date of hearing and 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) 309 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

