

28.03.2022

64

Ct. No. 29

KAUSHIK

Allowed

C.R.M. (NDPS) 314 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Gangarampur** Police Station Case No. **104** of **2021** dated **07.04.2021** under Sections 20(b)(ii)(c)/21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Wahab Ali @ Ohab Ali

..... petitioner

Ms. Minoti Gomes

Mr. Mazahar Hossain Chowdhury

Ms. M. Alam

.....for the petitioner

Mr. Sanjoy Bardhan

Ms. Manisha Sharma

....for the State

Petitioner renews the prayer for bail.

Learned advocate appearing for the petitioner submits that, the petitioner is in custody for 107 days. No narcotics were recovered from the possession of the petitioner. The police filed charge-sheet and, therefore, further detention of the petitioner is not required.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

Considering the period of detention of the petitioner and considering the fact that the police filed charge-sheet and considering the fact that no narcotics were seized from the possession of the petitioner and police are proceeding against the petitioner 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. Consequently, we grant bail to the petitioner.

Accordingly, we direct that the petitioner 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 local, to the satisfaction of the **learned Additional Sessions Judge, 3rd Court, Balurghat, Dakshin Dinajpur**, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the 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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)