

30.03.2022
Serial no. 61
CHC
Ct. No. 29
Allowed

CRM (DB) 822 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 23rd March, 2022 in connection with Balurghat Police Station Case No.311 of 2021, dated 24.06.2021 for offences punishable under Sections 21(c)/22(c)/23(c)/25/27A/28/29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

-And-

In the matter of : Kajal Sarkar

...Petitioner

Mr. Kalyan Kumar Chakraborty, Advocate

Mr. Kasinath Bhattacharya, Advocate

Ms. A. Meheboob, Advocate

Mr. Somnath Bhattacharya, Advocate

Mr. Ashok Halder, Advocate

... ... For the Petitioner

Mr. Ranadeb Sengupta, Advocate

... ...For the State

Petitioner seeks bail.

Considering the fact that no narcotic was recovered for the possession of the petitioner and considering the fact that police filed charge-sheet and at this stage, police are unable to establish nexus between the petitioner and the co-accused arrested with narcotic and considering the fact that the Police are seeking to proceed against the petitioner on the basis of statement of the co-accused made while in custody we are of the view that petitioner is able to rebut the presumptions under Section 37 of the N.D.P.S. Act, 1985.

Consequently, we grant the 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 Special Judge (under NDPS Act)-cum-ADJ, 3rd Court, Balurghat, Dakshin Dinajpur, 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 of the petitioner is allowed.

CRM (DB) 822 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)