

CRM (NDPS) 327 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Bhimpur Police Station Case No. 315 of 2020 dated 05.12.2020 under Sections 379/411 of the Indian Penal Code and Section 21(c) of the NDPS Act.

-And-

In the matter of : Pintu Ghosh & Ors.

...Petitioners

Mr. Atis Kr. Biswas, Advocate

Mr. Amit Singh, Advocate

Mr. Jyoti Agarwa, Advocate

... ... For the Petitioners

Mr. Ranabir Ray Chowdhury, Advocate

Mr. Mainak Gupta, Advocates

... ...For the State

Petitioners seek bail.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated. No narcotic was recovered from the possession of the petitioners. He refers to the first information report which shows that the petitioners 'may be' involved in the crime.

Learned Advocate appearing for the State draws the Court to the materials in the case diary. In response to a query, he submits that no narcotic was seized from the possession of the petitioners. Even the accused who was arrested with the commercial quantity of narcotic did not name the petitioners.

Considering the fact that no narcotic was recovered from the possession of the petitioners and considering the fact that even the co-accused who was arrested with the commercial quantity of narcotic did not name any of the petitioners as the persons involved in the crime, we are of the view that the petitioners are able to rebut the presumptions

under Section 37 of the NDPS Act, 1985. Consequently, we are inclined to grant bail to the petitioners.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, 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, Nadia at Krishnagar, subject to condition that the petitioners 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 petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioners in accordance with law without further reference to this Court.

The prayer for bail of the petitioners is allowed.

CRM (NDPS) 327 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)