

02.05.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M. (NDPS) 335 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Joypur** Police Station Case No. **89** of **2021** dated **26.11.2021** under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Hasibul Bhuiya @ Khoru

..... petitioner

Mr. Soumik Ganguly

Mr. S. Nandy

.....for the petitioner

Md. Anwar Hossain

Ms. Ratna Ghosh

....for the State

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that, the petitioner is in custody for 152 days. The police filed charge-sheet and, therefore, further detention of the petitioner is not required. No narcotic was recovered from the possession of the petitioner. The petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody. The petitioner was enlarged on bail on September 29, 2021 in respect of another police case.

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

Considering the fact that no narcotic was recovered from the possession of the petitioner and considering the fact that

police are unable to place any documents to establish any nexus between the co-accused arrested with the commercial quantity of narcotic and the petitioner and considering the fact that the police are proceeding against on the basis of the statement of the co-accused made while in custody and considering the fact that the police filed charge-sheet, 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, 1st Court, Bankura-cum-Special Court under NDPS Act, Bankura**, 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.)

