

C.R.M. (NDPS) 342 of 2022

20.04.2022
Sl. 40
Court No.29
(sourav)
(Allowed)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with NDPS Case No. **47/2022**, arising out of **Berhampore** Police Station Case No. **155 of 2022** dated **05.02.2022** under Sections **22(c)/29** of the Narcotic Drugs and Psychotropic substances Act, 1985.

And

In the matter of: **Selim Sk.**

....petitioner.

Mr. Tapodip Gupta

...for the petitioner.

Mr. Sudip Ghosh

Mr. Apurba Kumar Datta

... for the State.

Report as called for by the order dated April 5, 2022 filed in Court be taken on record.

The police at this stage are unable to demonstrate any nexus between the petitioner and the person arrested with the commercial quantity of narcotic.

In such circumstances, considering the fact that no narcotic was seized from the possession of the petitioner and considering the fact that the police are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody and considering the fact that the police at this stage are unable to establish any nexus between the petitioner and the person arrested with commercial quantity of narcotic, 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 Judge, Special Court under NDPS Act, Berhampore, Murshidabad, 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 and/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 **C.R.M. (NDPS) 342 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

