

11.04.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M. (NDPS) 355 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Lalgola** Police Station Case No. **731** of **2021** dated **10.10.2021** under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Aktarul Sk.

..... petitioner

Mr. Niladri Sekhar Ghosh

Mr. Tapodip Gupta

.....for the petitioner

Mr. Saryati Dutta

....for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that, the petitioner is in custody for 112 days. He submits that, the petitioner was shown arrested in the present case. the petitioner obtained bail from this Hon'ble High Court from the other police case on February 28, 2022 passed in CRM 7011 of 2021. He submits that, the petitioner is sought to be falsely implicated in narcotic cases.

Learned advocate appearing for the State submits that, the police filed charge-sheet. He refers to the materials in the case diary.

Apart from the statement of the co-accused made while in custody, the police, at this stage, are unable to place any documents to establish any nexus between the co-accused

arrested with the commercial quantity of narcotic and 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 police filed charge-sheet.

Consequently, 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 Judge, Special Court under NDPS Act, Berhampore, Murshidabad**, 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.)

