

C.R.M. (NDPS) 380 of 2022

18.04.2022
Sl. 39
Court No.29
(sourav)
(Allowed)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Suti** Police Station Case No. **607** of **2020** dated **29.12.2020** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substance Act, 1985.

And

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

....petitioner.

Mr. Jisan Iqubal Hossain

...for the petitioner.

Mr. Madhusudan Sur, Ld. APP

Mr. Dipankar Paramanick

... for the State.

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that 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. Another person who was alleged to be the owner of the truck was granted anticipatory bail by the co-ordinate bench. The police filed charge-sheet and, therefore, further detention of the petitioner is not required.

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 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 filed charge-sheet and considering the fact that the police are unable to establish any

nexus between the petitioner and the co-accused arrested with commercial quantity of narcotic, at this stage, 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, MSD, 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) 380 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

