

05.05.2022

Serial no. 52

[Dd]

(Bail **allowed**)

CRM (NDPS) 451 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with NDPS case No. **118/2021** arising out of **Bhimpur** Police Station Case No. **298** dated **22.10.2021** under Section **20(b)(ii)(B)** of NDPS Act.

-And-

In the matter of : Prasen Biswas

... .. Petitioner

Mr. Yunus Mondal,
Mr. Pronojit Roy, Advocates
... .. *For the Petitioner*

Mr. Sudip Ghosh,
Mr. Apurba Kr. Datta, Advocates
... ..For the State

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that no recovery was made 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.

Learned advocate appearing for the State submits that the petitioner was absconding for a considerable period of time. The police could arrest him only on March 30, 2022 in execution of an warrant of arrest.

Considering the period of detention of the petitioner and considering the fact that the police are unable to establish any nexus between the petitioner and the co-accused arrested with the commercial quantity of narcotic at this stage 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 are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), 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, Krishnagar** subject to condition that the petitioner 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 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 in accordance with law without further reference to this Court.

The prayer for bail of the petitioner is **allowed**.

CRM (NDPS) 451 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)