

42 10.05.2022
AD Ct. No.29
(Allowed)

C.R.M. (NDPS) 453 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Hili** P.S. Case No.**89 of 2020** dated **10/08/2020** under Sections **21(c)/22(c)/23(c)/27A** of the Narcotic Drugs and Psychotropic Substances Act (corresponding to Special Case No.52 of 2020). Charge Sheet has been submitted being Charge Sheet No.77 of 2021 dated 31.05.2021 under Sections **21(C)/22(C)/23(C)/27A** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Ananta Das @ Ananto Das

....petitioner.

Mr. K. Chowdhury
Ms. Busra Khatun

...for the petitioner.

Mr. Ranadeb Sengupta

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that no recovery was made from the possession of the petitioner. The petitioner is in custody for 53 days.

Learned Advocate appearing for the State submits that the petitioner fled away from the spot. The petitioner was arrested one and half years after the police case and subsequent to the filing of the charge sheet.

At this stage, the police are unable to establish any nexus between the petitioner and the person arrested with the commercial quantity of narcotics.

Considering the fact that no narcotics 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, 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/- (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, Balurghat, Dakshin Dinajpur, subject to the condition that during bail the petitioner shall appear before the learned trial court on every date of hearing and that the petitioner shall not intimidate witnesses 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 prayer for bail of the petitioner is allowed.

The application for bail being **C.R.M. (NDPS) 453 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)