

CRM (NDPS) 465 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Samsherganj Police Station Case No. 267 of 2021 dated 06.09.2021 under Sections 21(c)/29 of the NDPS Act.

-And-

In the matter of : Yousuf Ali alias Yousuf Sk. ...Petitioner

Mr. Sandipan Ganguly, Sr. Advocate

Mr. Jisan Iquabal Hossain, Advocate

Mr. Faijul Rahaman, Advocate

... ... For the Petitioner

Mr. Ranadeb Sengupta, Advocate

... ...For the State

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that 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 and, therefore, further detention of the petitioner is not required. No narcotic was recovered from the possession of the petitioner.

Learned Advocate appearing for the State draws the attention to the materials in the case diary and to the earlier order of rejection dated February 21, 2022 passed in CRM (NDPS) 133 of 2022.

Subsequent to the earlier order of rejection the police concluded the investigation and submitted charge-sheet. The police at this stage are unable to establish any nexus between the petitioner and the person arrested with the commercial quantity of narcotics. 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 while made in custody. Consequently, we are of the view that the petitioner is able to overcome the

restrictions under Section 37 of the NDPS Act, 1985. Accordingly, 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, Berhampore, Murshidabad, 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) 465 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)